

# **HAMAS AND A FUTURE PALESTINIAN STATE**

## **A Pragmatic Approach?**

**BY**

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## Abstract

### *Hamas and a Future Palestinian State: A Pragmatic Approach?*

As year 2008 neared its completion, world headlines focused on the fighting between Israel and the Palestinians in the Gaza Strip. The Israeli announced purpose of this military operation was to stop the firing of rockets into southern Israel and of targeting members, security forces and infrastructure of those deemed responsible, namely members of the Islamic Resistance Movement, better known by its acronym – *Hamas*. The fighting followed a fragile six-month cease fire between Hamas and Israel as well as nearly three years of Israeli and international boycott of Hamas, an isolation policy implemented following Hamas' surprise victory in the Palestinian parliamentary elections of January 2006. This boycott was legitimized by Hamas' history of militant and violent behaviour towards Israel and the peace process between Israel and the Palestinians. Notwithstanding the relative unison world criticism of Israel's disproportional use of force in the fighting, the coverage of the conflict, and of Hamas in particular, as well as Israeli and international responses following the elections of January 2006, are nevertheless important testimonies of Israel's and the Western world's stigmatized perception of Hamas. This perception centres on an understanding of Hamas as an Islamist fundamentalist terrorist organization, whose goals are the destruction of Israel and the establishment of a state governed on Shari'a in its stead.

This dissertation argues that Hamas is, in fact, an organization more flexible with regards to its original stated goals, and not just a fundamentalist religious organization basing itself on religious ideology and doctrine. This argument is approached by examining two different aspects of Hamas' thoughts regarding a future Palestinian state, the central question being: *What signifies Palestinian statehood for Hamas?* First; by examining Hamas' theoretical thoughts and by discussing its practical behaviour, it is argued that Hamas' philosophical thoughts regarding statehood is not what is commonly perceived in the Western world as a fundamentalist Shari'a state, but that it in some ways signifies Western conceptions of democracy. Second; by examining Hamas' approaches and actions in light of the Israeli-Palestinian conflict and the peace process – the violent, the peaceful and the political – it is also argued that Hamas, despite its stated goal of the destruction of the Jewish state is willing to compromise on its ideological stand and accept a two-state solution to the conflict.



"If you want to make peace, you don't talk to your friends. You talk to your enemies." (Moshe Dayan)





## Glossary of Terms

<i>‘alim</i> (pl. <i>ulema</i> )	Scholar, expert (often with reference to religion)
<i>al-Mithaq</i>	Hamas’ 1988 Charter/Covenant
<i>da’wa</i>	Lit. ‘summons’: the call to Islam (preaching)
DFLP	Democratic Front for the Liberation of Palestine (Leftist PLO Faction)
DOP	Declaration of Principles (Oslo I Agreement)
Fatah	Palestinian National Liberation Movement
<i>hadith</i>	Lit. ‘narrative’: the oral traditions of Prophet Mohammed
Hamas	Islamic Resistance Movement ( <i>Harakat al-Muqawamah al-Islamiyya</i> ); acronym means: zeal
<i>hudna</i>	‘ceasefire’
IDF	Israel Defense Forces
<i>ijma’</i>	Consensus
<i>ijtihad</i>	Legal deductive reasoning, independent opinion
<i>Intifada</i>	Lit. ‘shaking off’. ‘Uprising’
Islamic Jihad	The Islamic Jihad Movement in Palestine ( <i>Harakat al-Jihad al-Islami fi Filasteen</i> )
Izz al-Din al-Qassam Brigades	Hamas’ military wing
<i>jahiliyya</i>	Lit. ‘ignorance’
<i>Jihad</i>	Lit. ‘struggle’ ((mistakenly) referred to as ‘holy war’)
<i>mujtahid</i> (pl. <i>mujtahidun</i> )	Religious scholar, qualified to perform <i>ijtihad</i>
PA/PNA	Palestinian (National) Authority
PFLP	Popular Front for the Liberation of Palestine (Leftist PLO faction)
PLC	Palestinian Legislative Council (the ‘Palestinian parliament’)
PLO	Palestine Liberation Organization
<i>Shari’a</i>	Islamic Law
<i>shura</i>	Consultation
<i>tahdi’ya</i>	‘cooling off’, period of calm
<i>umma</i>	Global community of Muslims
<i>waqf</i> (pl. <i>awqaf</i> )	Religious endowment



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## Introduction

As year 2008 neared its completion, on 28 December, the Israel Defense Forces (IDF) launched *Operation Cast Lead* in the Gaza Strip. The operation was a military campaign instigated with the Israeli announced purpose of stopping the firing of rockets into southern Israel and of targeting members, security forces and infrastructure of those deemed responsible, namely members of the Islamic Resistance Movement (*Harakat al-Muqawamah al-Islamiyya*), better known by its acronym – *Hamas*. The operation lasted until 21 January 2009. The fighting followed a fragile six-month cease fire between Hamas and Israel as well as nearly three years of Israeli and international boycott of Hamas, an isolation policy implemented following Hamas' surprise victory in the Palestinian parliamentary (PLC) elections of January 2006. This isolation policy came about despite the elections having been performed in a well organized and democratic manner<sup>1</sup>, as well as attended by a relative large proportion of the Palestinian electorate<sup>2</sup>, and was legitimized by Hamas' history of militant and violent approaches towards Israel and towards the peace process between Israel and the Palestinians. Due to the latter, Hamas is also listed as a terrorist organization by several Western countries, the United States (U.S.) and the European Union (EU) included.<sup>3</sup>

The inherent contradiction in this situation – a terrorist organization democratically elected – left many analysts at loss, as well as creating a diffuse and difficult scenario in the occupied Palestinian territories<sup>4</sup>; on the one hand, Hamas is using terror tactics against Israel, on the other, it participates in law and orderly democratic elections. Further, the parliamentary election results of January 2006 meant not only increased tension between the Palestinians and the Israelis, but also gave rise to increased infighting between Palestinian factions in the occupied Palestinian territories. This was exemplified to its most extreme in the struggle between the secular nationalist *Fatah* party and Hamas in bloody battles for control over the

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<sup>1</sup> See for instance Carnegie Endowment for International Peace, "Looking Beyond Elections in Palestine", 3 February 2006, at <http://www.carnegieendowment.org/events/index.cfm?fa=eventDetail&id=850-{{prog=zgp&proj=zdl.zme}}>.

<sup>2</sup> Nearly 58 per cent of the Palestinian electorate cast a vote in the elections. See Central Elections Commission – Palestine, "The Final Result of the Second PLC Election", at <http://www.elections.ps/template.aspx?id=291>.

<sup>3</sup> For EU's terror list see Official Journal of the European Union, "Council Common Position 2006/380/CFSP of 29 May 2006", at <http://www.statewatch.org/terrorlists/docs/EUterrorlist-May-06.pdf>. For the U.S.' terror list see U.S. Department of State, "Foreign Terrorist Organizations (FTOs)", 11 October 2005 at <http://www.state.gov/s/ct/rls/fs/37191.htm>.

<sup>4</sup> By the *occupied Palestinian territories* I mean the Gaza Strip and the West Bank, including East Jerusalem. This reflects on my behalf only recognition of this being the most common academic usage, and is not in any way coloured by any political interpretation of territory in question which, as stipulated in the Oslo Accords, consists of a single territorial entity.

Gaza Strip in June 2007. This fighting resulted in a Hamas-led government in the Gaza Strip and a Fatah-led government in the West Bank.

Notwithstanding the relative unison world criticism of Israel's 'disproportional use' of force in Operation Cast Lead, the coverage of the conflict, and of Hamas in particular, as well as Israeli and international responses following the elections of January 2006, are nevertheless important testimonies of Israel's and the Western world's stigmatized perception of Hamas. This perception centres on an understanding of Hamas as an Islamist fundamentalist terrorist movement, whose goals are the destruction of Israel and the establishment of a Palestinian state governed on Shari'a in its stead. Such thinking is also justified in a theoretical approach to Islamism and Islamist organizations, mostly advocated by scholars known as the *neo-Orientalists*. Their way of thinking is criticized for its view on Islamism with labelling it with negative qualities as fundamentalism and radicalism. And that is that so to speak, hence: Islamist organizations, basing themselves on a violent and static ideology, are not able or willing to change and therefore not compatible with democracy. This theoretical approach is also what has lately signified U.S. administrations foreign policy.<sup>5</sup>

I disagree with such an understanding of Hamas and intend to argue that Hamas is, in fact, a movement willing to change its original stated goals, and not just a fundamentalist religious movement basing itself on religious ideology and doctrine. I will approach this statement by examining two different aspects of Hamas' thoughts regarding a future Palestinian state, the central question being: *What signifies Palestinian statehood for Hamas?* First; by examining Hamas' philosophical thoughts and by discussing its practical behaviour, I intend to argue that Hamas' thinking regarding Palestinian statehood is not what is commonly perceived in the Western world as a fundamentalist Shari'a state, but that it in some ways reflect Western conceptions of democracy. Second; by examining Hamas' approaches and actions in light of the Israeli-Palestinian conflict and the peace process, I will also argue that Hamas, in spite of its stated goal of the destruction of the Jewish state, is and has been since its early evolution, willing to compromise on its ideological stand and accept a two-state solution to the conflict. Thus, in a discussion of these two aspects of Hamas' thoughts on Palestinian statehood, I intend to show that Hamas is not only a terrorist organization incapable of reform, but indeed

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<sup>5</sup> Cf. Yakub Halabi, "Orientalism and US Democratization Policy in the Middle East", *International Studies*, Vol. 36, No. 4 (1999); Halabi, "US Responses to Major Developments in the Arab-Islamic World: Evaluation of Role of Ideas", *International Studies*, Vol. 43, No. 4 (2006).

a movement both willing and able to compromise and modify its ideologies and practices, two qualities not common in fundamentalist reasoning.

Both aspects will be examined in relevance with historical socio-political contexts, as, throughout this paper, a main argument will be that Hamas' thoughts and actions, as well as its political and militant practices, are shaped in the historical, cultural, political and social landscapes in which it thrives. Thus, an understanding of this contextual environment is important in order to understand Hamas' views and actions. The main socio-political context is of course the Israeli-Palestinian conflict, from a Palestinian perspective especially felt through the Israeli military occupation following the *Six Day War* in 1967.

## Structure

I will in Chapter One start by presenting socio-political contexts of historical importance to Hamas, beginning with the establishment of Hamas' mother organization, the Muslim Brotherhood, in Egypt in 1928, and ending with the birth of Hamas in the late 1980s. Here I will argue that the context surrounding Hamas' very birth already from the very outset altered the ideological belief held by its mother organization. It was the socio-political contexts created by the Israeli occupation of 1967 that led to the formation of Hamas, and not Islamist ideology and doctrine as taught by the Muslim Brotherhood. That Hamas should later show a readiness and willingness to compromises and change should therefore not be too surprising.

This historical introduction will be followed by a theoretical discussion of 'Islamism' and a presentation of two leading schools of thoughts on the issue, that of the already mentioned neo-Orientalists and that of the *post-Orientalists*. The intention behind this chapter is twofold; one generic, the other more specific. First, to set a theoretical framework around the issue of Islamism, and second, through a theoretical discussion of Islamism, argue that also from a theoretical perspective, the understanding of historical socio-political contexts is important. Hence, basing assumptions on Hamas being an Islamist organization not capable of change is questionable, also from a theoretical perspective.

In Chapter Three, I return to an account of historical events and socio-political contexts, ranging from the time of Hamas' birth in late 1987 until end of January 2009. This chapter will present and discuss major events in the Israeli-Palestinian conflict and not least Hamas' role in it and will as such provide the necessary background for succeeding analytical chapters. By examining Hamas' role in the peace process I intend to argue that one needs to

understand Hamas as a pragmatic player in the conflict and not only a fundamentalist response to it.

This argument will be followed up in more detail in the subsequent three analytical chapters. In these chapters, directly seeking to answer the above question on Hamas and Palestinian statehood, the main argument will basically be two-folded. First; by examining Hamas' paramount theoretical thoughts on Palestinian statehood in Chapter Four, I will argue that a neo-Orientalist understanding of Hamas as an organization not compatible with democracy is unfortunate. On the contrary, I will argue that Hamas' thinking on Palestinian statehood reflect an organization advocating for an Islamic state based on the Shari'a which in several ways resembles Western conceptions on democracy.

Second, in Chapter Six, in a discussion on Hamas and a possible two-state solution to the conflict with Israel, I will argue that the common perception that Hamas wishes and seeks the destruction of the state of Israel is also a truth with important modifications. Hamas is, in fact, willing to accept, albeit not unconditionally, a Palestinian state based on the *1949 Armistice Agreements* (the 1967 'Green Line'). I will approach this argument by examining three different ways Hamas has acted towards Israel and consequently towards the peace process and the Palestinian secular nationalists; that of its violent, peaceful, and political approaches. Although use of violence and pragmatism may sound contradicting, I intend to argue that Hamas' use of violence is more informed by pragmatic and strategic thinking than religious inspiration. This is important, as practices guided by pragmatism and not religious ideologies are more likely to change.

In Chapter Five, I intend to examine new and important Hamas documents to analyse Hamas' more recent ideas as compared to its thoughts reflected in the 1988 Hamas Charter. These documents are the political platform Hamas' joined the 2006 elections on, a Hamas draft proposal for a unity government with Fatah and others following Hamas' victory, and the cabinet platform presented by the Hamas Prime Minister Isma'il Haniyeh (b. 1963) in March 2006. These documents have received hardly any attention from Israel and other critics of Hamas, and the 1988 Hamas Charter is still the preferred document of reference when justifying one's thoughts on Hamas. I will argue that this is unfortunate, as what these documents present is a combination of the two abovementioned arguments – that Hamas' notions on a Shari'a state is to some degree compatible with democracy and that Hamas is willing to accept a two-state solution to the Israeli-Palestinian conflict.



## Theoretical Framework: A ‘Contingentist’ Approach

As will become clearer in Chapter Two, this dissertation is theoretically influenced by contextual and contingentist interpretations of Islam, Islamism and Islamist movements as opposed to the essentialist approach of the neo-Orientalists. My main criticism against the essentialists is their de-contextual starting point which reflects a stigmatic and categorical approach of both Islam and Islamism. This approach is often based and justified in a comparison of today’s Islamist movements with the period of classical Islam. From such interpretations, accusations of radicalism and fundamentalism are easily made. This essentialist account, especially following 9/11, is further characterized by ‘either/or’ and ‘us-against-them’ rhetoric’.<sup>6</sup>

That Islamist movements or Muslim societies in general, should comprise of complex and diverse systems and not just of a universal Islamic whole “escapes essentialist accounts that only seek to catalog [sic] enemies in opposition to allies.”<sup>7</sup> In such an approach there is little room for interpretations by examining modern processes such as colonialism, unjust governance, economic hardships, poor education and health, etc. The contingentists and the post-Orientalists, on the other hand, see Islamism and Islamist movements as a reaction to modern processes. It is not Islam or immanent factors in Islam *per se* which is the issue. No, Islamist movements are instead a consequence of socio-political realities and other contingent factors. Context, thus, is of great importance in interpreting Islamist movements.

My analytical method will therefore centre on contextual analyses of Hamas’ thought and actions which explore relationships of agency in the Israeli-Palestinian conflict, rather than an approach based on institutional and structural frameworks. Although there is a large number of available sources on Hamas and the Israeli-Palestinian conflict and notwithstanding available Hamas statements and interviews, my argumentation would nevertheless have been strengthened by fieldwork. This is probably especially so now, following several dramatic and groundbreaking events in the history of Hamas, most importantly the Hamas victory in the 2006 PLC elections. Further, not much has been said on the more detailed views Hamas has on a Shari’a state. It is tempting to explain this by arguing that this is something Hamas has not placed much thought on before, precisely because it has

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<sup>6</sup> Cf. Shaul Mishal, “The Pragmatic Dimension of the Palestinian Hamas: A Network Perspective”, *Armed Forces and Society*, Vol. 29, No. 4 (2003).

<sup>7</sup> Nicolas Elliott, “The Future Geopolitical Legitimacy of Islamism: The Case of Hamas” (Honors Thesis, Texas State University, 2007), p. 18.

not been a realistic reality. Now, however, history may have expedited such philosophical thinking and fieldwork would therefore likely have enabled me to obtain new information.

However, as gaining access to the Gaza Strip proved particularly challenging, and since I write this dissertation in less than two semesters, I have chosen to rely on already available textual documentation. The dangers of using existing documentation are first and foremost centred on the question of reliability. On the other hand, the main scholars on Hamas that I am relying on are widely known for their knowledge of the subject of their writings. This, however, does of course not subdue any accusations on possible prejudice, but complemented with an argumentation that focuses on historical development and contexts, I nevertheless consider these secondary sources reliable. This is especially so considering that these sources are coupled with primary Hamas documentation as well as statements from Hamas leaders and members.

## **Justified Limitations**

In this dissertation, tackling both the issue of Hamas as an Islamist movement and the issue of Hamas as a player in the Israeli-Palestinian conflict, both time and place constraints have meant that important elements in understanding Hamas have been neglected. There are in particular two omissions that I feel would have strengthened any discussion on Hamas and which deserves mentioning here.

First, Hamas is in the following described mainly as a militant and political player on the Israeli-Palestinian arena. However, Hamas have in tandem also continued the social and network approach of its mother organization, the Muslim Brotherhood: "Indeed, an estimated ninety percent of all Hamas-related activities, including military and political, are consumed by its social-welfare initiatives."<sup>8</sup> Had Hamas not focused on such a social agenda among the Palestinian population, it is very doubtful that it would have had much popular backing at all. The exclusion of this important character of Hamas, on the other hand, is justified by my argument that a discussion on Hamas as a social movement would probably not enhance my discussion on Hamas and Palestinian statehood. It would absolutely complement it, and as such most likely strengthen it, but I doubt that such a discussion would provide with me additional answers, especially since I am discussing Hamas' strong emphasis on society in general when discussing its views on Palestinian statehood.

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<sup>8</sup> Chrystie Flournoy Swiney, "Ideological & Behavioral Metamorphoses: A New Charter for a New Hamas" (Master Thesis, Oxford University, 2007), p. 22.

Second, another vital and complex factor of Hamas as an Islamist movement is its structure and dynamics. This is also not an issue I tackle, neither in regards to internal dynamics between the political, social and militant sectors of Hamas, nor in regards to the internal-external relations between Diaspora Hamas members and those living in the occupied Palestinian territories. Such a discussion would clearly be interesting in it self, as it would help to better understand Hamas. There has been argued, for example, that Hamas on the ‘inside’ have been prudent to more moderation at times of tough Israeli policies in the occupied territories than those on the ‘outside’, and that since the 1990s, and especially following Israeli assassinations of Hamas ‘inside’ leaders, the outside leadership has assumed more and more control.<sup>9</sup> This may very well be and a discussion around this would surely be interesting, especially in regards to the decision making process in terms of Hamas’ use of violence. However, I am not sure revealing answers from such a discussion would give me any additional knowledge about a future Palestinian state. As will be discussed in the following, Hamas has always placed great significance on consensus and consultation in the decision making process. And as I am first and foremost relying on new Hamas documents in discussing Hamas’ notions on Palestinian statehood, and since these documents represent Hamas’ political participation, it is highly plausible that these documents represent Hamas as a ‘whole’. In any case, if it should turn out that the outside leadership is more likely to retort to violence, this would also signify an element of Hamas that may be contributed to a contextual approach.

## Sources

My primary sources are three new Hamas documents, all of them coming to life following Hamas’ decision to participate in the January 2006 elections. The documents are: 1) Hamas’ 2005 Electoral Platform; 2) The Hamas Draft National Unity Proposal following Hamas’ victory in the elections and; 3) The Hamas Cabinet Platform of 27 March 2006.<sup>10</sup> These

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<sup>9</sup> Cf. Khaled Hroub, *Hamas: Political Thought and Practice* (Washington DC: Institute for Palestine Studies, 2000), pp. 58-9.

<sup>10</sup> These documents have been translated by Khaled Hroub and are available in his “A “New Hamas” Through Its New Documents”, *Journal of Palestine Studies*, Vol. 35, No. 4 (Summer 2006). See also and Azzam Tamimi, *Hamas: Unwritten Chapters* (London: Hurst & Company, 2007), Appendix VI, pp. 274-94 for a complete English translation of the Hamas electoral platform.

documents become particularly interesting when compared with another primary source; that of the Hamas Charter of August 1988.<sup>11</sup>

Most of the sources used here, however, are secondary literature. Documentation on Hamas and especially on the Israeli-Palestinian conflict is immense. Different statements and interviews from Hamas members have been found in a wide variety of sources, both in the media and among academic scholars. Scholars, who for a long time have commented and written on Hamas and which I have relied particularly on are Khaled Hroub, Shaul Mishal and Avraham Sela, Azzam Tamimi and Jeroen Gunning.<sup>12</sup> In terms of literature on Islamism and Islamist movements Ziad Abu Amr<sup>13</sup> and Beverly Milton-Edwards<sup>14</sup> among others have been used, and in terms of the more general political and historical literature on the conflict between Israel and the Palestinians, Mark Tessler<sup>15</sup> and Ian J. Bickerton and Carla L. Klausner<sup>16</sup> have to a large extent been relied on. For a complete listing of literature, please refer to the Bibliography section.

## Miscellaneous

I have not followed a specific transliteration system when writing this dissertation. Instead, I have used my own transliterations of the Arabic language or used the same transliterations as in the sources referred to. Translations of Arabic words are in any case given, although normally only the first time of mentioning. In terms of footnoting, I rely on *Chicago 15<sup>th</sup>, A Style*. All electronic sources were accessible at listed website addresses as of 4 April 2009.

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<sup>11</sup> Complete English translated version available in Hroub, *Hamas: Political Thought and Practice* (Appendix 2), pp. 267-91.

<sup>12</sup> Hroub's *Hamas: Political Thought and Practice* and Shaul Mishal and Avraham Sela's *The Palestinian Hamas: Vision, Violence and Coexistence* (New York: Columbia University Press, 2000) were two of the first comprehensive accounts on the movement and are widely referred to by later scholars such as Tamimi and Jeroen Gunning who both emphasises Hamas' pragmatic behaviours in their *Hamas: Unwritten Chapters* and *Hamas in Politics: Democracy, Religion, Violence* (London: Hurst & Company, 2007), respectively.

<sup>13</sup> Ziad Abu Amr, *Islamic Fundamentalism and the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad* (Bloomington and Indianapolis: Indiana University Press, 1994).

<sup>14</sup> Beverly Milton-Edwards, *Islamic Politics in Palestine* (London: I.B. Tauris, 1999).

<sup>15</sup> Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Bloomington and Indianapolis: Indiana University Press, 1994).

<sup>16</sup> Ian J. Bickerton and Carla L. Klausner, *A History of the Arab-Israeli Conflict* (Fifth ed., New Jersey: Pearson Prentice Hall, 2007).

## Chapter One: From the Muslim Brotherhood to the Formation of Hamas

Hamas grew out of the Muslim Brotherhood that originated in the late 1920's Egypt. The Brotherhood's view on statehood is centred on the concept of Shari'a. How the realization of such a state in Palestine should be achieved is the main focus in this history chapter. I approach this by contextualizing events leading to the formation of Hamas, and by arguing that the Muslim Brotherhood in Palestine followed the 'gradualist' approach among Islamist movements, that is; in order to establish an Islamic state, it is first necessary to educate the masses.

In this chapter, I intend to show that knowledge of the contextual surroundings of the Muslim Brotherhood in Palestine, of which Hamas grew out from, is crucial in understanding the formation of Hamas. In its outmost; had not history developed as it did, with an Israeli occupation of the Gaza Strip and the West Bank in June 1967, Hamas as an entity would probably not have been a reality. In it self, this is not a groundbreaking statement. However, when looking at the ideological framework of Hamas' mother organization with regards to creating an Islamic state, the above argument becomes more interesting, precisely because the formation of Hamas breaks away with the ideological tradition of the Muslim Brotherhood. Put differently; had the Muslim Brotherhood stuck to its ideological approach, Hamas as an organization would not have been born. Context and history, however, would see it otherwise.

I approach this by chronologically examining three historical context periods, each representing different socio-political realities in Palestine<sup>17</sup>, important both in an understanding of Hamas and of the Israeli-Palestinian conflict. The first period starts with the foundation of the Muslim Brotherhood in Egypt and its establishment and early life in British mandatory Palestine, and ends with the formation of the state of Israel. The second period describes the Palestinian Muslim Brotherhood under Jordanian and Egyptian rule until June 1967, a period which also witnessed the formation of Palestinian nationalism. The third period starts with the Israeli occupation following the Six Day War in 1967 and ends with the outbreak of the first Palestinian uprising against Israeli rule in late 1987 and the formation of Hamas just days later. This period also witnessed an 'Islamic revival', a factor crucial for the formation of Hamas.

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<sup>17</sup> By Palestine I here mean the geographical boundaries of what today constitute Israel and the Palestinian occupied territory (The West Bank and the Gaza Strip).

## The Muslim Brotherhood

The Muslim Brotherhood (*al-ikhwaan al-muslimun*) was founded in Egypt in 1928 by Hassan al-Banna (1906-49). Initially it started as a movement for reform of individual and social moral, although its broader political significance soon grew to challenge secular leadership in Muslim societies. Its strategy for change was to facilitate a Muslim society through programs in education, charity and social activities.<sup>18</sup> Transferred into the religious-political realm, the goal of the organization became to establish an Islamic society by applying Shari'a law in Egypt, and in the Muslim world more broadly.

The most influential Brotherhood intellectual next to al-Banna is Sayyed Qutb (1906-66), who argued that contemporary Egyptian society, by embracing Westernization and secularization, had re-emerged as a society of *jahiliyya* – a state of polytheistic chaos marked by 'ignorance' of God. The solution for a true believer in such a god-forsaken society was "to withdraw into separated communities of the faithful, purify his consciousness of foreign values, and then reengage society through missionary outreach and, *when the moment was right*, join in outright revolution."<sup>19</sup> When the 'moment was right' has subsequently been an issue of debate within the Brotherhood, mainly between those labelled the 'gradualists' and the 'radicals'. These two groups both reflect the ideas and actions of al-Banna and of Qutb as both leaders were assassinated by the Egyptian government and have as such been conceptualized with martyrdom and *jihad*.<sup>20</sup> But both have also been understood as images of a pious saint, "a living manifestation of the spirit of the shari'a"<sup>21</sup> arguing for the necessity of purification and education of the society before the time to strike against the un-believers was right.

These two concepts have also shaped the Brotherhood's relations with the Egyptian government, which have consequently been one of both repression and toleration. In 1954, the government initiated a severe crackdown of the Brotherhood following an assassination attempt on President Jamal Abd al-Nasser (1918-70). Nasser's successor, Anwar Sadat (1918-81) approached the Islamists on more friendly terms and a general amnesty was declared in 1971. However, this relaxed atmosphere led to a formation of more radical movements "some

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<sup>18</sup> Cf. Quintan Wiktorowicz, *The Management of Islamic Activism, the: Salafis, the Muslim Brotherhood, and State Power in Jordan* (New York: State University of New York Press, 2001), p. 4.

<sup>19</sup> Loren D. Lybarger, *Identity & Religion in Palestine: The Struggle between Islamism & Secularism in the Occupied Territories* (Princeton and Oxford: Princeton University Press, 2007), p. 77. Emphasis added.

<sup>20</sup> Agents of the Egyptian security forces carried out the killing of al-Banna on 12 February 1949. The attack was in retaliation for the killing of Egyptian Prime Minister Al-Nuqrashi by a Brotherhood activist on 28 December 1948. Qutb was sentenced to death by Nasser's government and executed on 29 August 1966 following a plot to assassinate Nasser was revealed. Ibid., p. 76.

<sup>21</sup> Ibid.

of which began organizing clandestinely to take power”<sup>22</sup> which again resulted in new rounds of repression. It culminated in the assassination of Sadat in October 1981. In 1995, Sadat’s successor and present president, Hosni Mubarak (b. 1928), narrowly escaped an assassination attempt on his life. Although not directly involved in the incident, the Muslim Brotherhood never condemned the more militant offshoots among the Islamist ranks in Egypt. This was also the case after numerous attacks against the tourist industry in the country. Based on this, the Egyptian government started a crack-down against the Brotherhood in the 1990s, and all political parties mixing politics with religion were proscribed.<sup>23</sup>

## **The Muslim Brotherhood in Palestine**

The Brotherhood’s involvement in Palestine began in 1936, when Abd al-Rahman al-Banna, Hassan al-Banna’s brother, met with the mufti of Jerusalem. The Brotherhood’s commitment to the Palestinian cause was “driven by its doctrinaire perspective and faith in the concept of one Islamic nation and the brotherhood of all Muslims and the imperative to engage in jihad for the cause of God.”<sup>24</sup> In the early 1940s, the Muslim Brotherhood founded its first Palestinian branches in Palestine, and by 1947 there were around 38 branches and over 10,000 registered Palestinian Muslim Brotherhood members.<sup>25</sup>

The day before the British Mandate over Palestine expired, on 14 May 1948, David Ben Gurion (1886 – 1973) proclaimed the independence of the state of Israel. Over the following days Arab countries went to war against the newly established state, and Lebanese, Iraqi, Egyptian and Syrian forces poured into the area. Hamas scholar Khaled Hroub notes that the Palestine question was the “driving force behind the expansion of the Muslim Brotherhood across the region.”<sup>26</sup> The Brotherhood’s early involvement in Palestine was social, political and military, especially in the years prior to, and during the 1948 War. In March 1948, al-Banna, noted that he had around 1,500 volunteers in Palestine.<sup>27</sup>

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<sup>22</sup> Ibid.

<sup>23</sup> On 17 November 1997, militants from *al-Jama’a al-Islamiyya* (The Islamic Group) and *Jihad Talaat al-Fath* (Holy War of the Vanguard of the Conquest), killed 60 tourists inside the site of the Hatshepsut’s Temple near Luxor, Egypt. Cf. Gilles Kepel, *Jihad: The Trail of Political Islam* (New Edition, London: Tauris I.B., 2008), p. 277.

<sup>24</sup> Hroub, *Hamas: Political Thought and Practice*, p. 13.

<sup>25</sup> Sources vary over the number of Muslim Brotherhood branches and members in the early days of the Movement in Palestine. Cf. Gunning, *Hamas in Politics*, p. 27, Ziad Abu-Amr, “A Historical and Political Background”, *Journal of Palestine Studies*, Vol. 22, No. 4 (Summer 1993), p. 6.

<sup>26</sup> Hroub, *Hamas: Political Thought and Practice*, p. 14.

<sup>27</sup> Abu Amr, *Islamic Fundamentalism and the West Bank and Gaza*, p. 2.

## **The Palestinian Muslim Brotherhood following the 1948 War**

The outcome of the war, known as the *War of Independence* for the Israelis and *al-Nakba* (the Catastrophe) for the Palestinians, was concluded with the 1949 Armistice Agreements. As a consequence of the war, the West Bank fell under the auspices of the Hashemite Kingdom of Jordan and the Gaza Strip became administered by Egypt. With Jordan annexing the West Bank in 1950, its inhabitants became Jordanian citizens, and the Brotherhood branches in the West Bank united with the branches on the East Bank of the River Jordan. The Brotherhood in the Gaza Strip, on the other hand, formed close links with the mother organization in Egypt. As a result, the relations between the Muslim Brotherhood in the West Bank and in the Gaza Strip weakened.<sup>28</sup>

Relations between the Brotherhood in the West Bank and the Jordanian government were relatively good, with the government allowing the 'Brothers' to pursue its activities openly. However, active involvement in Jordan's political affairs was not tolerated. Nor would Jordan allow any military activity, either internal or any cross-border operations against Israel, and as such, there was no tradition of armed resistance towards Israel.<sup>29</sup> The Brotherhood, therefore, had little choice but to focus on its social and religious activities; in other words, it advocated the gradual 'Islamization' of society through education and adherence to Islamic principles.

In the Gaza Strip, the situation was different with the Egyptian government persecuting the movement. The fact that the Egyptian government in 1949, and later under Nasser in 1954, illegalized the Muslim Brotherhood, gave it the experience in building decentralized and clandestine organizations.<sup>30</sup> The difficult situation it experienced due to the persecution by the Egyptian authorities reduced the movement's following, and the Gaza branch experienced a devastating blow and almost disappeared with the remaining members, consisting of students, teachers, and workers, going completely underground. The most visible political activities of the Brotherhood in the Gaza Strip started in 1955, when they joined other political groups and initiated violent mass demonstrations protesting a proposed plan to resettle Palestinian refugees in the Sinai Peninsula.<sup>31</sup> In the early 1950s, certain

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<sup>28</sup> Cf. Hroub, *Hamas: Political Thought and Practice*, pp. 19-20.

<sup>29</sup> Ibid., pp. 22-3.

<sup>30</sup> Glenn E. Robinson, "Hamas as Social Movement", in *Islamic Activism: A Social Movement Theory Approach*, ed., Quintan Wiktorowicz (Bloomington and Indianapolis: Indiana University Press, 2004), p. 120.

<sup>31</sup> This plan, agreed to in June 1953 by Egypt and the United Nations Relief and Works Agency (UNRWA), aimed at relocating 50,000 to 60,000 Palestinian refugees from the Gaza Strip to areas in the north-western Sinai desert. See Abu Amr, *Islamic Fundamentalism in the West Bank and Gaza*, pp. 8-9.



elements within the Gaza branch of the Brotherhood also organized military cells to engage in armed struggle against Israel.

The 1950s and early 1960s experienced the births of a number of new political organizations, chief among them the Communist movement and two pan-Arab secular nationalist parties; the Ba'th party and the Arab Nationalist Movement. In the mid-1950s, Fatah also began to emerge. Competition for members increased.

## **Palestinian Nationalism**

Dissatisfied with the Muslim Brotherhood regarding the Palestine question, Khalil al-Wazir (1935-88), a Brotherhood member since 1951, wrote in June 1957 a memorandum calling for “the Palestinian Brotherhood [to] establish a special organization alongside their own, that would not appear outwardly as Islamist, but rather would promote the slogan of liberating Palestine through armed struggle.”<sup>32</sup> The Brotherhood dismissed the proposal. The idea of what later became *Fatah*, the reversed acronym of *Harakat al-Tahrir al-Watani al-Filastini* or the Palestinian National Liberation Movement, emerged in the minds of al-Wazir (Abu Jihad) and other young Palestinian refugees, notably Yasser ‘Arafat (1929-2004), and Salah Khalaf (1933-91) who met in Cairo in the early 1950s. These men agreed on the principles of what later were to become the political thinking of Fatah. Most important among these principles was the idea that the Palestinians had to take responsibility for their own future, and that only an autonomous organization of their own could reverse their fortune. Further, the way to reach the goal of liberation of Palestine was through armed struggle. This goal took precedence over the goals of Arab unity and Pan-Arabism.<sup>33</sup>

Rather than adopt the Fatah option for the liberation of Palestine, the Muslim Brotherhood chose to consolidate the power of its existing organization by continuing pedagogical and proselytizing activities, in the expectation that, when it succeeded in its mission, it would liberate Palestine with the support of the entire Islamic world. The Brotherhood argued that Fatah’s tactics were impractical and doomed to fail, and above all “alien to the strategy of the mother [Muslim Brotherhood] organization.”<sup>34</sup> This tactic, however, seemed to bear little fruits, and the Brotherhood was struggling in gaining

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<sup>32</sup> Yezid Sayigh, *Armed Struggle and the Search for State: The Palestinian National Movement, 1949-1993* (Institute for Palestine Studies, Washington DC: Oxford University Press), 1997, p. 84.

<sup>33</sup> Baruch Kimmerling and Joel S. Migdal, *Palestinians: The Making of a People* (Second printing, Cambridge: Harvard University Press, 1998), p. 213.

<sup>34</sup> Hroub, *Hamas: Political Thought and Practice*, p. 27.

supporters, a situation made worse by Nasser's offensive against the movement, and the appeal he had as a Pan-Arab nationalist leader.

## **The Muslim Brotherhood under Israeli Rule**

The intense fighting during six days in June 1967 resulted in an overwhelming and complete Israeli victory over the joint Arab armies of Jordan, Egypt and Syria. As a consequence, Israel mastered the territories of the West Bank and Gaza Strip in addition to the Golan Heights and the Sinai Peninsula.<sup>35</sup>

The Muslim Brotherhood in Palestine continued in the years following the Israeli occupation to concentrate on "the upbringing of an Islamic generation"<sup>36</sup> through the establishments of religious schools, charity associations, sports clubs, medical clinics, etc. Islamic education was however not enough for a population desperate for liberation from occupation. This strengthened the Palestinian nationalist resistance movement, and the Islamists, on their side, lost many potential adherents with their Islamization first approach. Some factors, however, organizational and objective, as well as internal and external developments, were to strengthen the Muslim Brotherhood and the Islamist cause.

## **Islamic Revival in the occupied Palestinian territories**

The Six Day War itself was one of the main factors helping to raise Islamism as a way of political thinking in Palestine and in the Arab world in general. This was mostly due to the blow that Arab Nationalism and the politics of Nasser took following the defeat in the war. The immense rise in oil prices following the 1973 oil boycott was another factor.<sup>37</sup> The enormous amount of petrol dollar this boycott won Saudi Arabia and other Gulf states, countries with a strong Islamic orientation, meant more funding to the Islamists in an attempt to counter the more secular leadership of Syria, Egypt, Iraq, and the *Palestine Liberation*

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<sup>35</sup> Iraq, Saudi Arabia, Tunisia, Morocco and Algeria also contributed arms and personnel to the Arab forces. For a thorough account of the Six Day War see Michael B. Oren, *Six Days of War: June 1967 and the Making of the Modern Middle East* (London: Penguin Books, 2003).

<sup>36</sup> Abu Amr, "A Historical and Political Background", p. 7.

<sup>37</sup> In October 1973, the Organization of Arab Petroleum Exporting Countries (OAPEC) proclaimed an oil-embargo in response to the U.S. administration's decision to re-supply the Israeli military during the 1973 Yom Kippur War between Arab states and Israel. Cf. Tessler, *A History of the Israeli-Palestinian Conflict*, pp. 476 and 480-1.

*Organization* (PLO).<sup>38</sup> Other external factors helping to give attention to Islamism were two incidents taking place in 1979, the first a victory for Islam, the other a threat to it; namely the Iranian revolution and the founding of an Islamic state, and the Russian invasion of Afghanistan.

On the other hand, even though Arab nationalism suffered from the defeat in the Six Day War, Palestinian nationalism did not. The outcome of the Six Day War thus allowed the secular nationalists to take centre-stage in the newly occupied Palestinian territories. Advocating that the Palestinians had to take matters into their own hands to fight of occupation and oppression, the various nationalist and Marxist-nationalist Palestinian factions succeeded in 1969 in taking over the, until then, elite-dominated PLO. This provided the nationalists with an important organizational structure and legitimacy, and in the early 1970s, they were viewed by most Palestinians as the main opposition to the Israeli occupation. This feeling was 'ratified' in 1974 when the Arab League recognized the PLO as the sole, legitimate representative of the Palestinians.

The Muslim Brotherhood in Palestine was not able to compete. In the Gaza Strip, it lacked organizational structure, and in the West Bank, its leadership was in disarray, having been severed from its headquarters in Jordan. However, relations and organizational structures were to improve. The outcome of the war, although separating the West Bank from Jordan, also meant that the relations between the Brotherhood branches in 'Palestine total' became closer connected after being united under the same power. In the 1970s they thus joined together in the *Muslim Brotherhood Society in Jordan and Palestine*, enhancing organizational and strategic planning for the movement. Further, in 1973, *al-Mujamma' al-Islami* (the Islamic Centre) was created in Gaza by Sheikh Ahmed Yassin (1937-2004), followed in 1976 by the *al-Jam'iyyah al-Islam'iyya* (the Islamic Association). Both focused on educational, social and welfare programmes in areas traditionally neglected by others; the refugee camps and poor urban areas, both areas with high population density. The years following the occupation of 1967 also saw a drastic increase in mosque construction. In the two decades following the occupation, the number of mosques in the West Bank nearly doubled from 400 to 750 and in the Gaza Strip it tripled, rising from 200 to 600.<sup>39</sup>

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<sup>38</sup> Cf. Gunning, *Hamas in Politics*, p. 32; Abu Amr, *Islamic Fundamentalism in the West Bank and Gaza*, p. 12. The PLO was established in 1964 in Jerusalem, following an earlier decision taken in the Arab League. Its goal, echoing that of Fatah, was the liberation of Palestine through armed struggle. Cf. Tessler, *A History of the Israeli-Palestinian Conflict*, p. 373.

<sup>39</sup> Cf. Abu Amr, "A Historical and Political Background", p. 8.

Islamism in the occupied Palestinian territories also gained more ground due to an emerging dissatisfaction with the secular nationalists. The PLO experienced serious setbacks, such as the eviction in Jordan of the PLO in the early 1970s and the Israeli invasion of southern Lebanon in 1982 which forced the PLO leadership to seek refuge in Tunis. Following the *October War* (Ramadan War/Yom Kippur War) with Israel in 1973, the PLO also started to consider the idea of political and diplomatic solutions to the conflict with Israel, something that later developed into the idea of a two-state solution to the conflict. The failure of the PLO to live up to its promises, its organisational problems, and its changing of political positions, all contributed to increased distancing from secular nationalist views to Islamist views instead.<sup>40</sup>

Yet another factor that helped increase awareness of both nationalist and Islamist ideas among the Palestinian population was the influx of universities from the mid-1970s onwards. The first was Birzeit University in 1975, and later Bethlehem, Al Najah (Nablus) and Al Khalil (Hebron) Universities followed suit. In the Gaza Strip, the first university to be founded was the Islamic University, established in 1978. After 1976, when the Israeli military administration banned Palestinian municipal elections in the occupied territories, the universities, together with different professional unions, became the main arena for political contestation. The Muslim Brotherhood saw new opportunities to gain supporters in this political environment, especially as many of the students were from the lower classes and had grown up in the more conservative refugee camps and urban areas. Not only did the Brotherhood's religious agenda appeal to them, but the insufficiency of the PLO to live up to their promises, despite a decade of dominance, was beginning to influence negatively on the secular nationalists. By the end of the 1970s, and into the early 1980s, the Muslim Brotherhood and its Islamist agenda, therefore, started to gain more and more ground inside the occupied territories.

However, there were those among the Islamists who disliked the no-willingness of the Brotherhood to take on an active military role against Israeli oppression and occupation. Instrumental in this regard was Fathi Al-Shiqaqi (1951-95), a former Brotherhood member, who, inspired by the Iranian revolution, started to recruit young Palestinians frustrated with the Islamists lack of military action against Israel. The outcome of this was to become the Islamic Jihad Movement in Palestine, better known as *Islamic Jihad*. The almost exclusive

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<sup>40</sup> By the summer of 1986 a public opinion survey conducted in the occupied Palestinian territories showed that only 10.4% of those interviewed preferred a 'democratic, secular' Palestinian state. 29.6% preferred it to be a state based on 'Arab nationalism and Islam' and 26.5% wanted a state based solely on 'Islamic Law'. Cf. Tessler, *A History of the Israeli-Palestine Conflict*, p. 675.

hegemony of the Brotherhood over Muslim activity in Palestine was broken and with it the question of what its role in resisting occupation should be increased in relevance.<sup>41</sup> Should it continue with its peaceful, educational approach, thereby risking to loose members to the Islamic Jihad and the secular PLO, or should it itself engage in military activism against Israel, and as such face Israeli oppression and the risk of loosing its built-up organizational structure? New developments arising made the question even more relevant.

## **The Intifada**

On 8 December 1987, a motor accident involving an Israeli truck and small vehicles transporting Palestinian workers, killing four and seriously injuring seven, triggered the riots that spread and evolved into what became known as the *Intifada* ('uprising'). Many Palestinians believed that the incident was a deliberate action of Israeli revenge against the Palestinian killing of an Israeli in the Gaza Strip days before and the riots soon spread to the West Bank. The images of stone-throwing Palestinian youths facing armed Israeli soldiers appeared daily in the world news and brought back the Palestinian issue on the agenda of world politics.

Twenty years of occupation had created anger, feeling of humiliation, despair and frustration among the Palestinians. An entire generation of Palestinians had by now grown up under Israeli rule and experienced their land and water resources confiscated. Further, Israeli established Jewish settlements and military camps and security zones had left the West Bank and the Gaza Strip fragmented, both demographically and geographically.<sup>42</sup> Israel's 'Iron Fist policy'<sup>43</sup> resulted in Palestinian casualties, detention and imprisonment, curfews of towns, villages and educational institutions, house demolitions, deportations, economic hardship, and so on. In addition to Israel's policies, and with what the Palestinians perceived as an Israeli

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<sup>41</sup> *Hizb Tahrir* (the Liberation Party) was founded already in 1952 as a breakaway faction of the Muslim Brotherhood in Palestine. The movement had a more radical agenda than the reformist approach of the mother organization and gained relatively few supporters. Cf. Are Knudsen, "Crescent and Sword: The Hamas Enigma", *Third World Quarterly*, Vol. 26, No. 8 (2005), p. 1375.

<sup>42</sup> By early 1988, there were approximately 64,000 Israelis living in 125 Jewish settlements in the West Bank (East Jerusalem excluded) and 2,400 in 18 Jewish settlements in the Gaza Strip. Cf. Tessler, *A History of the Israeli-Palestinian Conflict*, pp. 671-3.

<sup>43</sup> Israeli actions in the occupied territories was routinely described as an "iron fist" policy and included deportations, press censorship, and such forms of collective punishment as curfews and the demolition of homes. Cf. Tessler, *A History of the Israeli-Palestinian Conflict*, p. 671; Bickerton and Klausner, *A History of the Arab-Israeli Conflict*, p. 226.

unwillingness to compromise<sup>44</sup>, other catalytically factors are also helpful in understanding the outbreak of the first Intifada; the PLO's failure to deliver on their promises; a feeling among the Palestinians that the outside world, especially the Arab, had forgotten about Palestine in light of the developments in the Iran-Iraq War and the Israeli invasion of Lebanon. Add to this a dominantly young Palestinian population mixed with an influx of universities and colleges from the 1970s onwards that had produced mass numbers of educated men and women. However, due to both Israeli restrictions and lesser jobs in the Gulf region, there were few job opportunities. Putting these variables together, one should not be too surprised of the violence and civil disobedience that erupted inside the occupied territories and spread to Israel, and which lasted until 1993.

## **The Formation of Hamas**

Scholars disagree with regards to the nature of relationship between the Muslim Brotherhood and the outbreak of the Intifada. Abu Amr states that the Intifada took the Brotherhood by surprise,<sup>45</sup> whilst Tamimi, although acknowledging that “no one took the decision to ignite the Intifada”<sup>46</sup>, still argues that the Muslim Brotherhood anticipated its coming, and that they had prepared for it since the early 1980s. Or according to Hroub who saw:

the joint eruption of the intifada and emergence of Hamas [as] the culmination of two parallel, but not separate, curves of changes, one national and one partisan. While the first reflected the general Palestinian mood toward the deadlock that was facing their national cause, the second represented the increasing consciousness of resistance and confrontation among the Palestinian Islamists.<sup>47</sup>

Whatever the case, on 9 December 1987, one day after the Intifada began, the Political Bureau of the Muslim Brotherhood in Gaza gathered in the house of Sheikh Yassin. The group consisted of Dr. Abd al-Aziz al-Rantisi, Dr. Ibrahim al-Yazuri, Isa al-Nashshar, Muhammed Sham'a, Salah Shehada and Abd al-Fattah Dukhan. As they saw it, they had no option but to seize the opportunity and they “needed to exploit it [the Intifada] to the limit of

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<sup>44</sup> Important in this regard is the 1982 Fez Plan who accepts Israel's right to exist, a plan drafted by the Arab states themselves and not by a third party, and the Palestinian-Jordan Accord of February 1985 which made no reference to an independent Palestinian state. Cf. Abu Amr, *Islamic Fundamentalism in the West Bank and Gaza*, p. 57; Tessler, *A History of the Israeli-Palestinian conflict*, pp. 533-677.

<sup>45</sup> Abu Amr, *Islamic Fundamentalism in the West Bank and Gaza*, pp. 59-63.

<sup>46</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 52.

<sup>47</sup> Hroub, *Hamas: Political Thought and Practice*, p. 36.

their ability, in order to reinstate themselves as leaders of the jihad to liberate Palestine.”<sup>48</sup> This group of people became the first Hamas leadership and they established several leadership wings in the political, security, military and information spheres.

On 14 December 1987, they issued a statement calling on the Palestinian people to stand up to the Israeli occupation. Looking back, Hamas considers this its first serialized leaflet, although the organization did not identify itself as such until February 1988, when it issued leaflets under the name ‘Hamas’.<sup>49</sup>

## Conclusion

I stated in the introduction to this chapter that the Muslim Brotherhood in Palestine, from which Hamas grew out of, envisioned Islamization of society as a central element in achieving statehood in Palestine. Basing themselves on al-Banna’s ‘bottom-up’ approach, it was first necessary to educate the masses into wanting an Islamic state. In light of this, and from this discussion of historical events leading up the formation of Hamas in late 1987, what seems clear is that the approaches the Muslim Brotherhood identifies to reach the ultimate goal of Shari’a statehood in Palestine, is highly influenced by the contextual surroundings in which it finds itself.

Immediate prior to, and during 1948, active resistance was necessary in order not to lose Palestine, host of the third holiest site in Islam and the first *qibla* for Muslims in prayer. However, between the wars of 1948 and 1967, the authorities were no longer foreign rule, but Arab and Muslim, and the socio-political circumstances in the Gaza Strip and the West Bank respectively triggered a focus on organizational, educational and social approach. The Israeli occupation in 1967 brought back ‘foreign’ non-Muslim rule and presented the Arab world a devastating loss, not only territorial, but in the mind as well. Palestine was lost, and so was Pan-Arabism and Arab Nationalism. For the Muslim Brotherhood, redemption of Palestine would come only through education on Islamic principles of the Palestinian population. However, the hardship the Palestinians under occupation encountered, coupled with the rise of Islamic Jihad and the continued efforts of the PLO distanced the Brotherhood and its Islamization approach from the Palestinian population. A consequence was the creation of

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<sup>48</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 52.

<sup>49</sup> Cf. Michael Irving Jensen, *The Political Ideology of Hamas: A Grassroots Perspective* (London: I.B. Tauris, 2009), p.18.

Hamas, an organization combining nationalism and religious sentiments by approaching to actively seek to install an Islamic state by first fighting off Israel.

I will in the next chapter discuss Islamism in light of some leading thoughts on the subject. By so doing, I again intend to show that the contextual surroundings, also from a theoretical point of view, are crucial in any understanding of Hamas and Palestinian statehood.



## Chapter Two: The Islamic Revival and Leading Thoughts on Islamism

The term 'Islamism' is a controversial one. It was originally first used by French academics around the early 1980s to "signify the belief among radical Muslims that political and social action should be based on Islam."<sup>50</sup> Recently, the word 'Islamism' has been used in a similar way in the United States and European circles. Today, a definition of Islamism usually evolves around "Islam as interpreted or reformulated to support political and social action."<sup>51</sup> It is also known as 'Political Islam', 'Fundamentalist Islam', 'Radical Islam', 'Militant Islam', etc., and grew to significance in the Middle East following different unfolding events; such as the Israeli victory over Arab forces in the Six Day War, the Iranian revolution of 1978-79, and the assassination of Sadat in 1981, among others.

Today, Islamist actors and organizations, slogans and ideologies have become a visible feature in Muslim political and social life in the Middle East. It seems that Islam as a religion was politicized, in that it "possesses a theory of politics and the State."<sup>52</sup> This theory was used by Islamist activists to argue for Islamic principles in their contemporary surroundings, surroundings that in many ways were under pressure from 'modernity'. However, the driving force behind this revival of Islam has not only been the challenges of modernity. Islamists have often been opposed to, and grown as a consequence of, internal challenges, such as popular folk Islam, which they argue include religio-magical practices<sup>53</sup>, and as a result of differences between *shi'a* and *sunni* followers. Islamism is therefore both a result of internal and external factors in the age of modernity.

In this chapter I will focus on Islamism as a phenomenon; how it came to significance, and which thoughts that are leading in analysing it.

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<sup>50</sup> See Olivier Roy, (ed.), trans. by J. King, *The Columbia World Dictionary of Islamism* (New York: Columbia University Press; English edition, 2007), p. 170. Mozaffari notes that 'Islamism' was first used by French writers at the end of the 17<sup>th</sup> century, by figures such as Voltaire and Tocqueville among others. These early chapters on the subject Islamism, however, sidelined it with 'Islam' until the First World War. See Mehdi Mozaffari "What is Islamism? History and Definition of a Concept", *Totalitarian Movements and Political Religions*, Vol. 8, No. 1 (March 2007), pp. 17-18. See also Martin Kramer, "Coming to Terms: Fundamentalists or Islamists?", *Middle East Quarterly*, Vol. 10, No. 2 (Spring 2003) for a good summary on the naming of the Islamic revival.

<sup>51</sup> Cf. "Is Islamism a Threat? A Debate", *Middle East Quarterly*, Vol. 6, No. 4 (December 1999), Electronic article at <http://www.meforum.org/article/447>.

<sup>52</sup> Nazih Ayubi, *Political Islam, Religion and Politics in the Arab World* (Reprinted paperback edition, London: Routledge, 1994), p. ix

<sup>53</sup> Cf. Beverly Milton-Edwards, *Contemporary Politics in the Middle East* (Second edition, Cambridge: Polity Press, 2008), p. 135.

## The Islamic Revival

Ever since the prophet Muhammad established the first Muslim community in Medina in the seventh century, Islam has been understood as "establishing the rules for a political as well as religious community",<sup>54</sup> and has "provided an inherent sense of [God's] unity (*tawhid*) to the Muslim and his or her community (*umma*)."<sup>55</sup> Based on this it has been argued that religion and politics in Islam is bounded together, with no separation of the state and the mosque, something that has left some scholars to refer Islamism as *religio-politics*.<sup>56</sup> This view has, however, been challenged by others who claim that such a linkage is historically not true, and that Muslim thinkers have always held a variety of views about the relationship between Islam and politics.<sup>57</sup>

## Modern Islamic Thought

Two of Islamic modernism's most important thinkers are the Egyptian Muhammad Abduh (1849-1905) and the Syrian Rashid Rida (1865-1935). They both based their thinking on Jamal al-Din al-Afghani (1838-97), original a shi'a Muslim from Iran, and they sought to modernize Islam in order for it to fit with the new modern society. Reinterpretation (*ijtihad*) was therefore necessary. They argued that some practices of Islam were no longer relevant and they therefore claimed the right and necessity to formulate new regulations.<sup>58</sup> The modern-Islamic thinkers were therefore both internally *and* externally motivated as they explained the reasons for the decay of Islam as results of both bad leadership and the threat of European colonialism. Out of this grew Islamic Modernism in which science and learning from the West did not pose a threat, as it did for the pre-modern (revivalist) Islamic thinkers such as Muhammed ibn Abd al-Wahhab (1703-92). Instead, it was argued, it was necessary to study and take usage of new modern inventions. Islam and science, revelation and reason were compatible, and Muslims should therefore selectively appropriate aspects of Western civilization that were not contrary to Islam.

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<sup>54</sup> Ibid., p. 136.

<sup>55</sup> Ibid., p. 137.

<sup>56</sup> Ayubi, *Political Islam*, p. ix

<sup>57</sup> Cf. Dale F. Eickelman and James Piscatori, *Muslim Politics* (Princeton: Princeton University Press), 1996, p. 56; Milton-Edwards, *Contemporary Politics*, p. 137.

<sup>58</sup> Abduh, for instance, was critical of the lack of educational opportunities for women and the negative effects of polygamy on Muslim society. Cf. John L. Esposito, *Islam: The Straight Path* (Paperback edition, Oxford: Oxford University Press, 1994), pp. 130-31; Milton-Edwards, *Contemporary Politics*, pp. 140-1.

In his later years, and following his mentor Abduh's death in 1905, Rida moderated his embracement of the West and argued that Muslim reformers must not look to the West, but rather return to the sources of Islam. In this way, Rida is "representing a trend called *salafi* Islam, meaning or pertaining to the good 'ancestral' example and tradition of Prophet Mohammed, his companions and the first four caliphs rather than the centuries of Muslim rule which followed."<sup>59</sup> Whereas Abduh was more a social reformer, Rida's arguments reflected matters more in the political realm and "examined the decline of Islam in relation to the nature of the state and balance of power therein."<sup>60</sup> In this, he greatly influenced later Islamic thinkers.

### Neo-Revivalist Islamic Thought

As opposed to the modern Islamists who called for a modernization of Islam for it to fit with the new world, the neo-revivalists, on the other hand, argued for an 'Islamization' of the society in order for society to adjust with original Islam. Important figures in this respect were Hassan al-Banna and Sayyed Qutb as well as the Indian Mawlana Abul Ala Mawdudi (1903-79). For them, it was necessary to transform the society from within in order to create an Islamic oriented state modelled on the example of the Prophet and his first Islamic revolution against the unbelievers. They argued that Islam is an all-embracing ideology, that religion and society and the relationship of Islam to all aspects of life follow from the Islamic doctrine of tawhid, and that sovereignty over all creation is embodied in the nature of the Shari'a: "The sharia is a complete scheme of life and an all embracing social order."<sup>61</sup>

Like the revivalists and the modernists, the neo-revivalists upheld the importance of, and the right to, reinterpretation of the scriptures. But unlike modernists who looked to the West and provided an Islamic rationale for the appropriation of Western learning, the neo-revivalists emphasized the perfection and comprehensiveness of Islam. All that Muslims needed could be found in Islamic tradition. Although accepting the modernist interpretation of traditional concepts of consultation (*shura*) and community consensus they noted that in an Islamic state the will of the people remained subordinate to the divine will. Mawdudi called this a 'theo-democracy' to distinguish it from a theocracy, or clergy state, as he rejected. For the neo-revivalists, an Islamic state could never mean that the majority of the people had the

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<sup>59</sup> Milton-Edwards, *Contemporary Politics*, p. 141.

<sup>60</sup> Ibid., pp. 141-2.

<sup>61</sup> Esposito, *The Straight Path*, p. 150.

power to legislate laws that contradicted Islamic principles. On the other hand, the ruling authorities could also not pass laws without consulting the community.

Further, by emphasizing the universality of Islam, the neo-revivalists rejected nationalism and European-inspired legal codes, and called instead for an Islamic state to be governed on the principles of the Shari'a. However, both al-Banna and Mawdudi approached this in a more pragmatic way, realizing that pan-Islamic aspirations had to give way to more realistic political realities. The focus of al-Banna and Mawdudi became therefore Egypt and Pakistan, respectively.

### **Radical Islamic Thought**

Today, when talking about Islamic activism and Islamism, particularly after 9/11 and the subsequent 'Bush Doctrine' and 'War on Terror', stereotypes of radical and fundamentalist suicide bombers are often used. Notwithstanding the section below discussing different schools of thought on Islamism, one can not oversee the fact that several of the Islamist movements, Hamas included, have used radical and violent means to advocate their agenda. As touched upon in the previous chapter, an ideological background and theoretical understanding of this can be traced among the cadres of the neo-revivalists in the split between those labelled the *gradualists* and the *radicals*.

As we saw, Al-Banna advocated a return to the roots of Islam, and although not initially a political movement, it soon grew to challenge secular leadership in Muslim societies. Under al-Banna, the Muslim Brotherhood focused on a gradual-reformist approach by emphasizing in the grass root society the need for a return to the original Islam; to the Quran, the Prophet and age of the 'rightly guided caliphs'. In this, the Muslim Brotherhood based their thinking on Rida. However, Al-Banna's death came at a time of deep crisis for the Islamic umma; the loss of Palestine to Israel in 1948 as well as the region-wide tendencies towards Arab Nationalism. Following this, a split inside the Brotherhood erupted. The gradualists argued for al-Banna's original preaching and education mantra (*da'wa wa tabligh*) to persuade people to get back to Islam, and then first on a later stage act for political change by undermining the "existing political order and contest the legitimacy of those who claimed to rule in the name of Islam."<sup>62</sup>

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<sup>62</sup> Milton-Edwards, *Contemporary Politics*, p. 144.

Sayyid Qutb, who after al-Banna's death became the Muslim Brotherhood's principal ideological thinker, advocated a more radical approach which aim was the overthrow of jahiliyya governments and rulers. Whereas al-Banna argued for a gradual change within the society, Qutb went further when he advocated for *jihad* (holy war) against un-Islamic governments with the purpose of establishing an Islamic state. For Qutb and his followers, change had to come, not from within, but from above. However, the distinction is not necessary that clear. As some academics argue, Qutb himself was more prudent, neither ruling violence out nor actively advocating it. "What is certain is that, contrary to much academic opinion, for Qutb the call to jihad was made in its broadest sense – striving for the liberation of the soul, of the individual through education, a return to faith and disengagement, where possible, from a state system of contested legitimacy."<sup>63</sup>

Qutb's influence can, therefore, be seen as a 'two option – evolution; an agenda that both seeks reform from below *and* revolutionary change by violently overtake the government.

## Leading Thoughts on Islamism

As the Islamic revival grew in importance so did the study of Islamism and Islamist movements, and during the 1980s and 1990s it emerged as important subjects of scholarly debate and investigations. In the following, I will focus on two leading schools of thoughts on Islamism; that of the *neo-Orientalists* and that of the *post-Orientalists*.

### The Neo-Orientalists

Islamism has also been labelled 'Fundamentalist Islam', 'Radical Islam' and 'Militant Islam'. Under such labels, Islam is often represented as a contrast to the West, as a 'clash of civilizations', a concept first introduced by Bernard Lewis<sup>64</sup> and later taken to new heights by Samuel Huntington<sup>65</sup>. In his article from 1993, Huntington argues that Islam is the new threat facing the Western world after the collapse of communism, with Islamic politics described as radical and associated with violence and terror. Advocates among these *Orientalists* and neo-

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<sup>63</sup> Milton-Edwards, *Contemporary Politics*, p. 145.

<sup>64</sup> Bernard Lewis, "The Roots of Muslim Rage", *The Atlantic Monthly*, Vol. 266, No. 3 (September 1990), Electronic article available at [http://www.travelbrochuregraphics.com/extra/roots\\_of\\_muslim\\_rage.htm](http://www.travelbrochuregraphics.com/extra/roots_of_muslim_rage.htm).

<sup>65</sup> Samuel P. Huntington, "The Clash of Civilizations?", *Foreign Affairs* (Summer 1993), electronic article available at <http://history.club.fatih.edu.tr/103%20Huntington%20Clash%20of%20Civilizations-%20full%20text.htm>.

Orientalists include scholars such as the already mentioned Lewis, Elie Kedourie, Martin Indyk, Daniel Pipes, Patricia Crone, and others.

Neo-orientalism is a school of thought that grew to significance following the 1978-79 Iranian revolution. They agree with Orientalist thinking that Islam is incompatible with democracy with reference to what they see as the totalitarian aspect of Islam, namely that religion and state is inseparable. However, for the classical Orientalists, the main problem was that Islam promotes political submission, and, as a consequence of this, the civil society has been very weak. Hence, “a religion which considers it a religious duty to obey the sovereign coupled with the absence of strong civil society are [sic] the main reasons for the lack of democratization.”<sup>66</sup> Following the revolution in Iran in the late 1970s, in which the element of civil society clearly was not weak, the claim that Islam promoted submission became difficult to advocate, and some scholars therefore “sought to reform and update Orientalism.”<sup>67</sup> The new argument was now that “throughout the history of Islam, society has always been strong and regime always weak”<sup>68</sup> and that “by establishing ideals that are impossible to fulfill, Islam ensures that Muslims will view any form of government [...] as illegitimate.”<sup>69</sup>

Crone, in particular, has been quite adamant in her arguing that Islamic civilization refuses to legitimize political authority.<sup>70</sup> She states that after the Shari’a was codified in the eighth century under the Abbasid caliphate, the *ulama* (legal scholars) were of tribal origin, and that the law they drafted reflected their “profound hostility to settled states.”<sup>71</sup> From this she concludes that:

[T]he *ulama* defined God’s law as *haqq al-‘arab*, the law of the Arabs [...] the consensus being that where God had not explicitly modified tribal law, he had endorsed it. The result was a tribal vision of sacred politics [...] Kings were rejected as Pharaohs and priests as golden calves [sic], while God’s community was envisaged as an egalitarian one unencumbered by profane or religious structures of power below the caliph who was himself assigned the duty of minimal government.<sup>72</sup>

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<sup>66</sup> Halabi, “Orientalism and US Democratization Policy in the Middle East”, p. 384.

<sup>67</sup> Yahya Sadowski, “The New Orientalism and the Democracy Debate”, *Middle East Report*, No. 183 (1993), p. 17.

<sup>68</sup> Halabi, “Orientalism and US Democratization Policy in the Middle East”, p. 384.

<sup>69</sup> Daniel Pipes in; Sadowski, “The New Orientalism and the Democracy Debate”, p. 18; Halabi, “Orientalism and US Democratization Policy in the Middle East”, p. 385.

<sup>70</sup> Cf. Sadowski, “The New Orientalism and the Democracy Debate”, p. 17; Dag Tuastad, “Neo-Orientalism and the new barbarism thesis: aspects of symbolic violence in the Middle East conflict(s)”, *Third World Quarterly*, Vol. 24, No. 4 (2003), p. 594.

<sup>71</sup> Patricia Crone in Sadowski, “The New Orientalism and the Democracy Debate”, p. 17.

<sup>72</sup> *Ibid.*, p. 17.

For neo-Orientalists, the problem of weak regimes and strong society became even more problematic when the ruling elite in Muslim states sought to embrace western and modern ideas such as secularization and democracy: “While the *elite* continues to strive to remove all obstacles that stand in the way of modernization, the masses prefer the implementation of the laws of Islamic Shari’a.”<sup>73</sup> By rejecting modernism, therefore, Islamic society obstructs the emergence of modern civil society that “can cooperate with [...] the regime.”<sup>74</sup> This is also echoed in John Hall’s writings when he argues that “the strength of society in Islamic civilizations not only made the state unstable; it also obstructed the development of true ‘civil society’ and democracy.”<sup>75</sup> Islamist fundamentalism, according to neo-Orientalists, gives the masses a protection against Western influence that the elites are trying to install.

### **The Post-Orientalists**

On the other end of the academic table, there are those who argue that one has to look at the more diverse nature of the phenomenon of Islamic revival, and that one can not unconditionally accept labels such as ‘fundamentalism’ and ‘radicalism’ to best describe the resurgence of Islam from the 1970s onward. The Islamic revival is different in countries like Saudi Arabia, Jordan, occupied Palestine and say, Indonesia, Sudan or Somalia.

Advocates among these post-Orientalists, also known as the *reformist school*<sup>76</sup>, include scholars such as Edward Said, John Orbert Voll, John Esposito, James Piscatori, Shaul Mishal and Laura Guazzone. Some among them describe today’s revival of Islam as ‘political Islam’. Others again are more at ease with the label Islamism since they argue for the all-encompassing element of Islam, which fuses religion and politics together. Islamism also more accurately refer to the Arabic reference for an Islamic movement (*al-harak al-islamiyya*) and its adherents as Islamists (*Islamiyyun*).

The post-Orientalists criticize the neo-Orientalists who they say “ignore any sort of modernity or novelty in Islamic societies in general”<sup>77</sup>, and because they instead of looking at changes and progress in Muslim societies, see only reaction and fundamentalism. Neo-Orientalists are therefore said to give most prominence to textual interpretation of Islam,

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<sup>73</sup> Daniel Pipes in Halabi, “Orientalism and US Democratization Policy in the Middle East”, p. 385.

<sup>74</sup> Ibid.

<sup>75</sup> John A. Hall in Sadowski, “The New Orientalism and the Democracy Debate”, p. 18.

<sup>76</sup> Cf. Halabi, “Orientalism and US Democratization Policy in the Middle East”, p. 386.

<sup>77</sup> Ibid.

“which they consider an enduring and immutable insight into the essence of Islam and the Muslim world [and] maintain that Islam is a monolithic threat to the West.”<sup>78</sup> Post-Orientalists oppose such an understanding of Islam, and instead insist “on the diversity of Islamic movements and on their being shaped by contingent factors.”<sup>79</sup> Their criticism of the neo-Orientalists are not so much centred on the labelling as it is more a matter of looking at the phenomenon on a micro rather than a macro level, and because of the prejudice and Orientalist view they claim the neo-Orientalists carry with them when arguing that Islam and democracy are incompatible.

Post-Orientalists are therefore also known as *contingentists* as opposed to the *essentialist* approach among the neo-Orientalists. As such, the post-Orientalists with its contingentist approach “separates the moderates from the fundamentalists and claims that the political conditions in Muslim states are not much different from those that exist in other Third World countries.”<sup>80</sup> For these scholars, it is the lack of reform among the ruling elites that attributed to a rise of Islamic ideas in society, or put differently, attributed to the ‘revival of Islam’. For them, political stagnation, corruption, and repression in Muslim countries have resulted in the rise of Islamist oriented movements; hence “the repression of freedom of speech and political association has left the mosque as the only institution where people can gather, criticize the government and organize themselves.”<sup>81</sup>

Their view on Islam and Islamism is often criticized by the neo-Orientalists of being apologetic<sup>82</sup> and failing to seriously debate the more radical and intimidating side of Islamism – lack of freedom of expression, women’s role in society, suicide bombings and other violent and militant behaviour, etc, which are threatening legitimate power in the Middle East. As summarized by Judith Miller:

Any individual or government concerned with pluralism, democracy and human rights must not be complacent about the rise of militant Islamic groups. Islam is incompatible with these values -as shown by the continued oppression of women and minorities in Muslim societies.<sup>83</sup>

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<sup>78</sup> Cf. Are Knudsen, Christian Michelsen Institute, *Political Islam in the Middle East*, (Bergen: Chr. Michelsen Institute, 2003), p. 17.

<sup>79</sup> Ibid.

<sup>80</sup> Halabi, “Orientalism and US Democratization Policy in the Middle East”, p. 386.

<sup>81</sup> Ibid.

<sup>82</sup> Cf. Martin Kramer, in his “Coming to Terms: Fundamentalists or Islamists?” states, for instance that John Esposito is “America’s foremost apologist for Islam-driven movements”.

<sup>83</sup> Judith Miller, Summary from “the Challenge of Radical Islam”, *Foreign Affairs*, Online Article (Spring 1993), at <http://www.foreignaffairs.org/articles/48755/judith-miller/the-challenge-of-radical-islam>.



## Conclusion

I find the criticism of the post-Orientalists by the neo-Orientalists rather unfair, for several reasons. First; several (legitimate) governments in the Middle East are themselves curbing freedom of expression and other international human rights, most of them actually supported by the West. Second; disagreeing with labelling such as radical or fundamentalist Islam is not the same as to say that there exists no such thing as 'fundamentalist Islam', or to be apologetic for that matter. Rather, when prefixing Islam with such labels when describing political activity, the dangers of doing injustice to the whole Islamic umma is imminent. As Edward Said informs us: "Fundamentalism equals Islam equals everything-we-must-now-fight-against, as we did with communism during the Cold War."<sup>84</sup> Also, "any Muslim who is a believer is a fundamentalist because by believing they accept the fundamental tenets of principles of their faith."<sup>85</sup> Also, I disagree with sidelining Islam with Islamism, and especially with militant Islamist groups as Miller does.

Coupled with this, I also question the usefulness of an understanding of Islamism based on textual interpretation of classical Islam. This de-contextualizing approach advocated by the neo-Orientalists will not, in my view, be useful in understanding Hamas' ideology behind the wish for a Shari's state, nor its actions to reach such a goal. Ijtihad is a vital concept within Islamist movements, precisely because modern Islamic thinkers saw the necessity "for independent reasoning and reinterpretation of the Quran and Islamic traditions and the need to reinterpret the Holy Scriptures and *apply them to today's world*."<sup>86</sup> Even though Islamists themselves call for a return to original Islam, to understand why these Islamists today advocates such a wish, not to discuss the socio-political context each individual Islamist movement has grown out from, would in my belief, be a grave error. As Jeroen Gunning, a Hamas researcher puts it:

[S]uch an analysis, though appealing in the black-and-white context of the War on Terror, is deeply unsatisfactory. Politics is never static. Neither are political organisations. Hamas has changed since its inception, and will continue to change. The question is merely how fast and in which direction.<sup>87</sup>

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<sup>84</sup> Edward W. Said, *Covering Islam*, (Revised edition, New York: Vintage, 1997), pp. xix

<sup>85</sup> Milton-Edwards, *Contemporary Politics*, p. 147.

<sup>86</sup> Knudsen, "Political Islam in the Middle East", p. 3. (Emphasis added).

<sup>87</sup> Gunning, *Hamas in Politics*, p. 2.



## Chapter Three: Hamas' Pragmatism and 'Red Lines'

As discussed in Chapter One, the dire situation in the occupied Palestinian territories forced the Palestinian Muslim Brotherhood to change its strategy and Hamas was born. In August 1988, the Hamas Charter was issued and Hamas was recognized as a branch of the Palestinian Muslim Brotherhood. Hamas' ideology was set forth in the 36-article charter and "spelled out the movement's Islamic orientation and showed its attitude toward Israel to be much more uncompromising than that of the PLO and the nationalist mainstream."<sup>88</sup> Three major themes in the Charter stood out: First, the land of Palestine was considered *waqf* - an Islamic trust or endowment (Article 11). As such it was argued that no one had the right to give up any part of it. In order to liberate the land, the only solution was through jihad which was considered a religious duty of every Muslim (Article 15).<sup>89</sup> The second major theme in the Charter was the importance of Islam as the tool for Palestinian nationalist efforts. Here, Hamas broke away from the ideology of Qutb and the Islamic Jihad when it "delimits the concept [jihad] by applying it to ending the Israeli occupation of Palestine."<sup>90</sup> In Hamas' language towards Israel, or rather towards the "Zionist state", we find the third major theme in the Charter – the distrust of the Jews, "often expressed in anti-Semitic terms that allege the existence of a Jewish-led international conspiracy."<sup>91</sup> However, from the 1990s onwards, this racist language, as Khaled Hroub notes:

vanished from the movement's literature and political discourse, and its dealings at the international level ceased to reflect such positions [...] Hamas's political view of the "enemy" [...] became more sophisticated [and] Hamas's perspective evolved to differentiate clearly between Judaism as a religion and Zionism as a political movement.<sup>92</sup>

This shift in discourse reflects transcendence in Hamas' thoughts and practices and can be contributed to several factors, both internal and external. Many commentators have stressed the importance of this. Hroub, for example, portrays "Hamas as demonstrating a flexibility in both its ideology and practice that is responsive to the political environment in which it finds itself."<sup>93</sup>

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<sup>88</sup> Tessler, *A History of the Israeli-Palestinian Conflict*, p. 695.

<sup>89</sup> See Hroub, *Hamas: Political Thought and Practice*, Appendix 2, Article 15, pp. 276-7.

<sup>90</sup> Are Knudsen, "Crescent and Sword: The Hamas Enigma", p. 7.

<sup>91</sup> Tessler, *A History of the Israeli-Palestinian Conflict*, pp. 695-6.

<sup>92</sup> Hroub, *Hamas: Political Thought and Practice*, p. 50.

<sup>93</sup> Beverly Milton-Edwards, "Prepared for Power: Hamas, Governance and Conflict", *Civil Wars*, Vol. 7, No. 4 (Winter 2005), p. 312. For Hroub's notes on this subject see *Hamas: Political Thought and Practice*, pp. 60-9.

The most important factor in the environment of Hamas and the Israeli-Palestinian conflict is centred on the question of peace, or rather the lack of it. In a presentation of historical events important in the peace process between Israel and the Palestinians, and in a discussion of how Hamas replied to these events, I intend in this chapter to shed some light on Hamas' balance between its ideological 'red lines' and its readiness to flexibility and pragmatism. This chapter will also provide us with a historical background for later analyses, especially relevant for Chapter Six tackling Hamas' relations with the State of Israel.

### **Advances and Setbacks towards a Two-State Solution: 1988 – Summer 1990**

On 15 November 1988, in the Palestine National Council's (PLO's legislative body) 19<sup>th</sup> session, Yasser Arafat issued *the Declaration of Independence for the State in Palestine*.<sup>94</sup> In a political communiqué issued just days later, the PLO committed itself to a two-state solution to the conflict with Israel and called for an international peace conference to be held on the basis of United Nations resolutions 242 and 338.<sup>95</sup> This was not the first time Palestinians indicated a willingness to recognize Israel within its pre-1967 borders. The PLO had since the 1982 Arab summit in Fez for their part been "officially committed to mutual recognition between Israel and a Palestinian state located in the West Bank and Gaza, with East Jerusalem as its capital."<sup>96</sup>

However, the PLO's gesture towards peace was initially not welcomed by Israel and her most important ally, the United States. Both countries did not trust PLO's willingness to renounce terrorism, and Israel in particular did not believe that the organization was sincere in its recognition of the Jewish state. However, following a press conference in Geneva on 14

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<sup>94</sup> Palestine National Council, "Palestinian Declaration of Independence, Algiers, 15 November, 1988", in *Journal of Palestine Studies*, Vol. 18, No. 2 (Winter 1989).

<sup>95</sup> UN Security Council resolution 242 calls for Israeli withdrawal of "Israeli armed forces from territories occupied in the recent [Six Day War of 1967] conflict", East Jerusalem included, and for "achieving a just settlement of the refugee problem". See The Avalon Project at Yale Law School, "United Nations Security Council Resolution 242", at <http://www.yale.edu/lawweb/avalon/un/un242.htm>. In this regard a note on semantics of the resolution should be made. In the English version the definite article 'the', as in 'the territories' is missing, whereas in the French version 'des' (definite article in plural) seems to be a contraction of the words 'de' and 'les', equal to the English 'of the'. Whereas Palestinian advocates argue for a complete Israeli withdrawal, Israeli opponents argue that the territories to be withdrawn from are debatable. UN Security resolution 338 which was reached following the 1973 Arab-Israeli War reaffirms the parties' commitment to resolution 242. See The Avalon Project at Yale Law School, "United Nations Security Resolution 338", at <http://www.yale.edu/lawweb/avalon/un/un338.htm>.

<sup>96</sup> Tessler, *A History of the Israeli-Palestinian Conflict*, p. 718. For a good summary on the early history of the 'PLO peace program' see Ibid. pp. 717-36.

December 1988 in which Arafat repeatedly fully renounced terrorism,<sup>97</sup> American-PLO talks commenced and continued through 1989 and into 1990. Israel, on the other hand, still rejected the idea of direct talks with the PLO, and under the Yitzhak Shamir (b. 1915) government instead launched a diplomatic initiative on its own. This, as well as both Egyptian and American proposals were all failing to bring the two sides together which in the end also contributed to the downfall of the national unity government in Israel. Shimon Peres (b. 1923) from Labour tried unsuccessfully to form a new coalition in support of the Baker plan,<sup>98</sup> but in the end Shamir came out with the upper hand. In June 1990 he managed to form a government in which his Likud party joined forces with ultra-nationalist and religious parties. This new coalition was said to be “the most right wing and hard-line (in its attitudes to the Arabs) in Israel’s history”.<sup>99</sup> The new Israeli government announced that it would end the Intifada, create new settlements and expand existing ones, that there would be no Palestinian state, no negotiation with the PLO and no sharing of Jerusalem.<sup>100</sup> Chances for peace seemed grim.

Since the beginning of the Intifada, Hamas had taken a leading role in the uprising, as a parallel and competing organizer to the PLO-lead *Unified National Leadership of the Uprising* (UNLU). As the UNLU, Hamas also organized strikes and called for demonstrations and boycotts of Israeli products. In addition, Hamas’ military wing, the Izz al-Din al-Qassam Brigades (*Kata’ib al-Shahid Izz al-Din al-Qassam*), was responsible for military attacks against Israeli targets.<sup>101</sup> Further, its intelligence wing, initially a policing unit known as *al-Majd* (Glory), was also responsible for identifying and assassinating suspected Palestinian collaborators. The PLO’s flirting with peace, successful or not, coupled with the political power centre in Israel moving towards the right resulted in more sympathy and increased recruitment to the Islamists. As stipulated in the Hamas Charter, no one had the right to give up any part of Palestinian land. Thus, it suited Hamas just fine that chances for peace were diminishing.

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<sup>97</sup> Cf. “Arafat Statement on Israel and Terrorism” in *A History of the Arab-Israeli Conflict*, Bickerton & Klausner, pp. 234-5.

<sup>98</sup> The Baker plan was announced 22 May 1989 and called on Israel to “lay aside once and for all the unrealistic vision of a greater Israel” and to “reach out to Palestinians as neighbors who deserve political rights”. Cf. Bickerton & Klausner, *A History of the Arab-Israeli Conflict*, p. 225.

<sup>99</sup> Cf. Mike Berry and Greg Philo, *Israel and Palestine: Competing Histories*, (London: Pluto Press, 2006), p. 89. See also Tessler, *A History of the Israeli-Palestinian Conflict*, p. 734, p. 742.

<sup>100</sup> Cf. Berry and Philo, *Israel and Palestine*, p. 89; Tessler, *A History of the Israeli-Palestinian Conflict*, p. 734.

<sup>101</sup> Al Qassam Martyrs Brigades was first established in 1991. Before that militant factions of Hamas operated under several names, such as the ‘Archers Arms’ and the ‘Martyrs Group’. Cf. Zaki Chehab, *Inside Hamas: The Untold Story of the Militant Islamic Movement* (New York: Nations Books), 2007, pp. 39-68.

For Israel, initially, it was the PLO who was the main target in their struggle to succumb the Intifada. However, as Hamas grew in strength, Israel soon took action against the organization and in August 1988 the first Israeli mass arrest against its members took place. Then, following Hamas kidnappings and assassinations of two IDF soldiers in Israel in February and May 1989, Israel rounded up and arrested another 1.500 Hamas members, one of them being Sheikh Yassin. These mass detentions presented a serious threat to Hamas, in which Israel “almost succeeded in annihilating the movement.”<sup>102</sup>

Those still out of harms way saw the urgent necessity for organizational and structural change to meet the challenges that the mass arrests presented. One response was to separate the political, social and military wings of the movement. In order to ensure that Hamas would not totally vanish, Mousa Abu Marzouq (b. 1951) a U.S. educated physician, restructured the leadership role to not only constitute people from the ‘inside’, but to also include members from the Palestinian Diaspora. Whereas the ‘outside’ had, until now, played the supporting role of providing funding and logistics, from now on it was to play an important role in the decision making process of Hamas. With leaders working from abroad – in Amman, Kuwait and London, the risk of annihilation by the hands of Israel was weakened.<sup>103</sup>

### **The Gulf War and Israeli-Palestinian Peace Initiatives: August 1990 – Mid 1993**

During the Cold War, the Soviet Union (the U.S.S.R.) had supported PLO’s approach towards dialogue and peace. The U.S., on the other hand, especially since the 1980s, opted for a policy of greater reliance on Israel as a strategy for securing American interest in the Middle East. The end of the Cold War in 1990 and the demise of the U.S.S.R. in December 1991 made the U.S. the sole superpower in the world. After Iraqi troops invaded the tiny, oil-rich country of Kuwait on 2 August 1990, the response from the international community was swift and overwhelming. Within days, a trade embargo against Iraq was adopted in the U.N. Security Council<sup>104</sup>, and within weeks a large naval force was in place in the Gulf to enforce it. Had the Soviet Union still been a superpower it is not certain that it would have vetoed the

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<sup>102</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 59.

<sup>103</sup> Cf. *Ibid.*, pp. 60-1.

<sup>104</sup> UN Security Council Resolution 660, adopted on 2 August 1990, condemned the Iraqi occupation and demanded Iraqi withdrawal. UN Security Resolution 661, adopted 6 August 1990, placed economic sanctions on Iraq. See Federation of American Scientists, “Resolution 660 (1990)” and “Resolution 661 (1990)”, at <http://www.fas.org/news/un/iraq/sres/sres0660.htm> and <http://www.fas.org/news/un/iraq/sres/sres0661.htm>, respectively.

resolution. However, what was clear was that with the end of the Cold War, the Gulf War illustrated a “growing agreement between the United States and the Soviet Union on a variety of issues, including the danger of potentially explosive regional conflicts.”<sup>105</sup>

The Gulf War also represented a huge blow to the notion of pan-Arab unity, as most Arab countries sided with the West against Iraq. Arafat and the PLO on their part sided with Iraq, that is; they refused to condemn Iraq’s actions. The reasons behind this were several. Saddam Hussein (1937-2006) had for a long time been a volatile supporter of the Palestinian cause, which was something the PLO had gained from, not least financially. Even more important was probably the fact that Hussein tried to portray himself as *the* Arab combatant against the Zionist entity by launching Scud missiles into Israel. As such, Iraq sought to create linkages between the liberation of Kuwait and the Palestine question. Many Palestinians also believed that the presence of a credible Arab military challenge would force Shamir to the negotiating table, and yet another factor was the perceived double standard the UN showed in its swift condemnation and action against Iraq as an occupier, whilst the Israeli occupation of the West Bank and the Gaza Strip had lasted for more than 20 years. However, and whether understandable or not, the outcome for the PLO and the Palestinian cause more generally, was damaging. Gulf countries terminated financial aid to the PLO, as well as expelling PLO officials.

Following the Gulf War, and after a shuttle diplomacy by the American Secretary of State James Baker, a Middle East peace conference commenced on 30 October 1991 in Madrid. The conference was co -chaired by the U.S. and the U.S.S.R. (later Russia) with Israel, Egypt, Syria, Lebanon and a joint Jordanian/Palestinian delegation attending. Peace talks later continued in Washington and elsewhere on an intermittent basis throughout 1992 and the first half of 1993 but no substantial agreements were made. The Israeli election in June 1992, however, increased chances for peace, as the new Prime Minister, Yitzhak Rabin (1922-95) from the Labour party, explicitly stated that his government was committed to a “successful resolution of the peace process”<sup>106</sup> and vowed to end what he referred to as ‘non-strategic’ settlement activities. On the other hand, the situation in the West Bank and the Gaza Strip was still fuelled with tension. The construction of Israeli settlements inside the occupied territories during 15 years of Likud led governments, long periods of curfews, high casualty numbers and continued violence on both sides, still meant that the obstacles for peace were immense.

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<sup>105</sup> Bicekerton & Klausner, *A History of the Arab-Israeli Conflict*, p. 238.

<sup>106</sup> Tessler, *A History of the Israeli-Palestinian Conflict*, p. 750.

Hamas took a more balanced and diplomatic stand than the PLO in regards to the Iraqi invasion of Kuwait. In its first leaflet on the Gulf War, issued 12 August 1990, Hamas condemned the presence of American and Allied troops in the Gulf. On the other hand, just weeks later, another leaflet called for an Iraqi withdrawal from Kuwait.<sup>107</sup> Here, Hamas tried to balance its support for the Gulf countries, crucial for the economic survival of its organization, and the popular Palestinian sentiment against the West. It worked. In May 1991 it was reported that the US\$ 28 million a month from Saudi Arabia that the PLO received before the Gulf War was now going to Hamas instead.<sup>108</sup>

Following an incident on 8 October 1990 in which 22 Palestinians were killed and more than 200 injured at *al-Haram al-Sharif* (Al Aqsa Mosque) in the Old City of Jerusalem, Hamas initiated what became known as the ‘war of the knives’.<sup>109</sup> Hamas issued a leaflet calling for attacks on Israel: “Point One: Every soldier and settler in Palestine is considered a target.”<sup>110</sup> That same day, a Hamas affiliate stabbed and killed three Israeli soldiers in Jerusalem and in early December 1990, two Hamas activists stabbed several Israeli workers in a factory in Jaffa/Yafo south of Tel Aviv and left on the wall of the factory a declaration of responsibility in the name of Hamas. Israel acted by arresting more than 1.700 suspected Hamas members. Meanwhile, Sheikh Ahmed Yassin’s trial for his involvement in the kidnapping and killing of the two Israeli soldiers in 1989 went ahead. Yassin acknowledged his role in the foundation of Hamas but pleaded his innocence in regards to the death of the two soldiers. He was found guilty and received a sentence of a life term plus 15 years imprisonment.

Hamas’ military actions against Israel continued and, in late 1992, the organization initiated what they called ‘the war of the seven days’.<sup>111</sup> During one week in December Hamas militants killed six IDF soldiers and kidnapped another named Nissim Toledano. A list of demands was handed over to the Israelis in which Hamas demanded the immediate release of Sheikh Yassin in exchange of the safe release of Toledano. Israel refused and Toledano was executed, later to be found in a ditch near Ma’ale Adumim settlement outside Jerusalem. The Israeli response was swift and harsh. Nearly 2.000 Palestinians were arrested, along with 415 Hamas and Islamic Jihad leaders. They were all driven north to the border with Lebanon

<sup>107</sup> Hamas leaflet dated 17 August 1990, cited in Hroub, *Hamas: Political Thought and Practice*, p. 163.

<sup>108</sup> Milton-Edwards, *Islamic Politics in Palestine*, p. 155.

<sup>109</sup> Palestinian worshippers had gathered inside Haram al-Sharif to “foil a plot by a group of Jewish extremists known as the Temple Month Faithful to lay what they said was to be the cornerstone of the Third Temple.” See Tamimi, *Hamas: Unwritten Chapters*, p. 62.

<sup>110</sup> Hamas leaflet, “The Appeal of the al-Aqsa Massacre”, 9 October 1990. Translated and cited in Milton-Edwards, *Islamic Politics in Palestine*, p. 155

<sup>111</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 64.



and expelled to an Israeli declared no-mans land, called Marj al-Zahour. This incident gave Hamas unprecedented international coverage as “[t]he entire world watched on television as the deportees, blindfolded and handcuffed, with their hands tied behind their backs, remained confined to their seats in the coaches.”<sup>112</sup> Only a few days earlier, Israel had been portrayed as the victim. Now, the international community, the U.S. included, condemned it for its breach of international law.<sup>113</sup>

The involuntary stay in Lebanon had profound implications for Hamas. In addition to receiving world attention, the leaders from Hamas inside and outside were able to meet freely for the first time. Ideas and strategies were discussed and refined. Further, they were able to train themselves militarily, with the more experienced cadres of the deportees offering training in a variety of combat techniques, including how to make explosives. In this regard, some have also argued that the stay in Marj al-Zahour was a “milestone in Hamas’s decision to [later] use car bombs and suicide attacks as a major *modus operandi* against Israel”<sup>114</sup> because they came into contact with Lebanese *Hizbullah* (God’s Party) fighters who trained them in such techniques. The expulsions of the Islamists also “provoked an intense debate within the Palestinian community about the place of the Islamists in the political fabric of society.”<sup>115</sup> The PLO could no longer ignore Hamas without losing its credibility as the representatives for the Palestinians. Fatah and Hamas representatives therefore met in January 1993 in Khartoum to discuss attempts to coordinate protest efforts between the two groups. From an Israeli perspective, even the security situation did not improve as a consequence of the deportations. Most of the members of Hamas’ military wing had namely not been arrested and by end of January 1993 the Izz al-Din al-Qassam Brigades again killed two Israeli soldiers in the Gaza Strip.

Hamas attacks against Israeli soldiers and settlers continued throughout the early spring of 1993. This violence against Israeli targets must be seen in conjunction with Hamas’ rejectionist stand towards the peace talks held in Madrid and Washington: Hamas opposed strongly what they perceived was PLO’s abandonment of Palestinians rights, instead arguing that no part of Palestine should be ceded in exchange for peace with Israel. This

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<sup>112</sup> Ibid., p. 66.

<sup>113</sup> On 18 December 1992, the UN Security Council adopted Resolution 799, demanding “that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported”. See The Avalon Project at Yale Law School, “UN Security Council Resolution 799 (1992)”, at <http://www.yale.edu/-lawweb/avalon/un/un799.htm>.

<sup>114</sup> Mishal and Sela, *The Palestinian Hamas*, p. 65-6.

<sup>115</sup> Milton-Edwards, *Islamic Politics in Palestine*, p. 158.

attitude became even more visible as chances for peace prospered after a surprising breakthrough in the peace process in 1993.

### **The Oslo Accords: January 1993 – Late 1995**

As the peace process seemed to go nowhere and Hamas “thought it was preparing itself for its moment of glory”<sup>116</sup>, Arafat and the PLO had through Norwegian liaison commenced in secretive negotiations with Israel, culminating on 20 August 1993 in a document known as the *Declaration of Principles* (the DOP/Oslo I Accord). On 9 September, Arafat and Rabin exchanged letters of mutual recognition. Here, the PLO recognized Israel’s right to exist and further confirmed that those clauses in the Palestinian National Charter (PLO’s ‘constitution’) objectionable to Israel would be repelled. Israel on their part recognized the PLO as the representative for the Palestinian people and the negotiating partner of Israel.<sup>117</sup> This was officially concluded on 13 September 1993, when:

[i]n a stunning event on the White House lawn in Washington, the Declaration of Principles on Interim Self-Government for the Palestinians [...] was signed by Foreign Minister [Shimon] Peres and PLO representative Mahmoud Abbas [...] while President Clinton, Arafat, and Rabin looked on.<sup>118</sup>

The declaration was an agenda for future negotiations and stipulated that by 13 April 1993, Israel had to withdraw completely from the Gaza Strip and the West Bank city of Jericho, with Palestinians taking control of internal affairs in these areas. Election for a Palestinian National Authority (PNA/PA) would take place in the occupied territories and final status negotiations were scheduled to commence by December 1995. The final status negotiations were to be completed within a period of no more than five years, with the permanent settlement to take effect by December 1998. The most difficult issues affecting the two parties, such as the status of Jerusalem, the Palestinian refugees, borders and Jewish settlements were to be discussed in the final status negotiations.<sup>119</sup> On 1 July 1994, Arafat arrived in the Gaza Strip and four days later he swore in members of the newly established PA.

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<sup>116</sup> Ibid., p. 160.

<sup>117</sup> “Arafat to Rabin Recognizing Israel’s Right to Exist” (Document 10-3) and “Rabin to Arafat recognizing the PLO” (Document 10-4) in *A History of the Arab-Israeli Conflict*, Bickerton and Klausner, pp. 261-2.

<sup>118</sup> Bickerton and Klausner, *A History of the Arab-Israeli Conflict*, p. 256.

<sup>119</sup> “The Israel-PLO Declaration of Principles [Excerpts]” (Document 10-8) in Bickerton and Klausner, *A History of the Arab-Israeli Conflict*, pp. 266-71.

Oslo I was to be followed by Oslo II, also known as the *Taba Accords*, signed by the parties in Washington on 28 September 1995. In this agreement, the West Bank was divided up into three areas; area A, with Palestinian control over both security and civilian matters, consisted of around 3 per cent; area B, where Palestinians would exercise civil and police authority and Israel would retain security responsibility, amounted to around 23 per cent; and area C, in which Israel would have exclusive control, consisted of around 74 per cent of the West Bank. Then, nearly eighteen months delayed, on 20 January 1996, the elections for the presidency of the PA and the 88 member legislative council (PLC), were held. Arafat was elected president, and the nationalist Fatah party held the majority (62 of 88 seats) in the legislative council.<sup>120</sup> However, as touched upon above, many people on both sides were opposed to the peace process. Volatile in Israel was the settler community and on 4 November 1995, Rabin was killed by a right-wing Orthodox Jew. In the occupied territories, the biggest opponents to the peace process were the Islamists, with Hamas taking a leading role.

The main reason for Hamas' rejection of the Oslo accords was the same: "no one had the right to sign away Palestine and [...] Muslims would not be obliged to observe the agreement."<sup>121</sup> However, there were also other reasons for Hamas' objection to Oslo. One was the fundamental fear Hamas shared with Islamic Jihad that, with an agreement between the PLO and Israel, they would be under attack from two sides: the future of Islamism in Palestine was at stake. That the negotiations had taken place without consulting the Islamists or the Leftists, on matters crucial for all Palestinians, created further a feeling of marginalization and anger that resulted in additional opposition. Polls, however, did not predict good days ahead for the Islamists. At the end of September 1993, more than 70 per cent of the Palestinians in the occupied territories said they supported continued negotiations with Israel, and around 60 per cent opted for PLO leadership and only 17 per cent for Hamas.<sup>122</sup>

How should Hamas respond to these challenges? To answer that, several voices have spoken of Hamas' pragmatic approaches, as well as its internal differences. As noted by one writer:

The Israeli-Palestinian DOP of September 1993 increased Hamas's awareness of the limits of its power on both intra-Palestinian and regional levels [...].

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<sup>120</sup> Central Elections Commission – Palestine, "The 1996 Presidential and Legislative Elections" (PDF-file), at [http://www.elections.ps/pdf/Results\\_election\\_1996.pdf](http://www.elections.ps/pdf/Results_election_1996.pdf).

<sup>121</sup> Milton-Edwards, *Islamic Politics in Palestine*, p. 162.

<sup>122</sup> Ibid., p. 163.

Calculated policy based on pragmatic interpretation and negotiated profit/loss considerations rather than on bondage to a stated doctrine and rigid dogma thus characterized its mode of operation.<sup>123</sup>

Sheikh Yassin, for example, from his prison cell, cautioned his followers not to take a rigid stand towards the DOP, and he argued that Hamas participation in local professional and municipal elections had already set a precedent for participation in the future PA elections. This took many by surprise as participation in the PA elections would imply recognition of the Oslo Accords, and indirectly of a two-state solution. However, Yassin's remarks came with certain conditions; most importantly that Hamas' participation in the elections would depend on a long term cease-fire (*hudna*) with Israel. This did not, on the other hand, mean that the call for jihad against Israel was called off, only that it would "allow the soldiers of the jihad to address other issues in their own society."<sup>124</sup> In other words; it was a temporary pause in the fight against Israel. The debate whether to participate in the PA elections or not continued throughout 1995, with the opponents arguing that participation would bestow legitimacy to Oslo and to Israel. In the end it became clear that the opponents won ground, and, in November 1995, Hamas announced it would boycott any forthcoming elections for the presidency of the PA and for the legislative council. However, they also stated they would not work to undermine the elections, the PA or the national unity, and in the period from September 1993, until the spring of 1994 "it is fair to say that Hamas and Islamic Jihad committed themselves wholeheartedly to preserving national unity in Gaza as they watched the PLO establish the framework for self-rule there and in Jericho."<sup>125</sup>

Despite Hamas' vow not to undermine the elections, the organization was still committed to continue its jihad against Israel. In the first 16 months following the signing of the DOP in September 1993, Hamas and Islamic Jihad were responsible for killing more than 120 Israelis. Following the 'Hebron Massacre' where a Jewish settler from the Kiryat Arba settlement outside Hebron shot down and killed 29 Muslim worshipers in the Ibrahimi Mosque, Hamas' armed agenda to end Israeli occupation took a dramatic turn. Following that event, Hamas withdrew from its policy of only striking against Israeli military and settler

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<sup>123</sup> Mishal, "The Pragmatic Dimensions of the Palestinian Hamas", p. 577. See also Hroub, *Hamas: Political Thought and Practice*, pp. 209-51; Milton-Edwards, *Islamic Politics in Palestine*, pp 163-77.

<sup>124</sup> Milton-Edwards, *Islamic Politics in Palestine*, p. 164. The concept of a *hudna* was justified by historical precedents ranging from Prophet Muhammed's treaties with the Jews of Medina, to agreements signed between different Muslim rulers and the Crusaders. The idea was that in a time of "military weakness and concern for the wellbeing (*maslaha*) of the Islamic community [...] the renewal of war [was later to be followed by] the defeat of Islam's enemies". See Mishal, "The Pragmatic Dimensions of the Palestinian Hamas", p. 578.

<sup>125</sup> Milton-Edwards, *Islamic Politics in Palestine*, p. 175.

targets.<sup>126</sup> On 6 April 1994, seven unarmed Israeli civilians were killed near a bus stop in the northern Israeli town of Afula when a Hamas suicide bomber detonated explosives strapped to his body. Hamas later announced that the attack came in retaliation to the Hebron massacre. A week later, another Hamas suicide bomber detonated another bomb on an Israeli bus packed with people in the coastal town of Hadera. This time five Israelis were killed and another 28 injured. Israel imposed severe closures on the territories and arrested more than 1.600 affiliated Islamists. They also demanded that the PA strike against Hamas and Islamic Jihad, and after some initial reluctance, the Palestinian Authority ordered its security apparatus to crack down against them. Hamas, however, did not back down. On 19 October 1994 a new suicide bomber blew up in the middle of Tel Aviv, killing 21 Israelis and injuring around 50 others.

With the elections for the PA presidency and for the PLC in January 1996 coming up, Hamas eased their operations so that the PA was not embarrassed beforehand. No Hamas suicide bombings commenced between August 1995 and January 1996. However, following the Israeli assassination in Gaza of the Hamas chief bomb maker, the ‘engineer’ Yahya Ayyash, in January 1996, Hamas again responded by launching suicide missions into Israel. In late February and early March 1996, 59 Israelis were killed and hundreds injured in four different Hamas suicide missions.

### **New Setbacks in the Peace Process: 1996 – July 2000**

In February 1996, Shimon Peres, who had resumed the post of prime minister following Rabin’s assassination, decided to call for early elections in Israel. The date for the elections was set to be held on 29 May 1996. Almost immediately following Peres’ announcement, a wave of Hamas suicide bombings inside Israel began. Having decided not to participate in the parliamentary elections of January 1996, Hamas was lacking an alternative political arena for contesting Arafat and his Fatah party. Therefore, “undermining the peace process through political violence against Israelis became a particularly attractive option.”<sup>127</sup> The Hamas suicide bombings in February and March 1996 had a huge impact on both the Israeli election and the peace process. In a very close race Peres in the end lost, and Likud’s Benjamin Netanyahu (b. 1949) assumed office as prime minister. Netanyahu, although insisting that he

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<sup>126</sup> Cf. Hroub, *Hamas: Political Thought and Practice*, p. 245-6 and note 86 p. 245. Hamas regarded settlers in the West Bank and the Gaza Strip as legitimate targets also before the Hebron massacre, both for being armed and for their continual attacks against Palestinian civilians.

<sup>127</sup> Gunning, *Hamas in Politics*, p. 46.

wanted peace and that he would honour Israel's commitments, had never the less asserted in statements that Israel would never accept a Palestinian state on its doorsteps.<sup>128</sup>

However, although Hamas continued to undermine the peace process, and even though both Israelis and Palestinians accused each other of violating the Oslo Accords, talks between the two sides did continue. In January 1997, the Hebron Protocol was signed. This signalled that the stage was now set for the resumption of the final status talks with the more difficult issues of Jerusalem, borders, settlements and refugees remaining. In the Hebron Protocol, the PA also committed itself to crack down on terrorism, which in practice meant targeting the Islamists.<sup>129</sup> The relations between the Israelis and the Palestinians were, however, still loaded with tension. This was especially the case following Israel's decision to allow the construction of new settlements, most notably the planned 6,500 housing-unit south of Jerusalem to be named Har Homa and the *E1 Plan* that involved new housing units and recreation areas that would connect (East) Jerusalem with the settlement of Ma'ale Adumim to the east, effectively splitting the West Bank in two.<sup>130</sup> Hamas acted. With opinion polls still recording a high support for the peace process<sup>131</sup> such acts on the Israeli side presented Hamas with legitimacy to continue its violence against Israel. Having refrained from suicide operations for a year, a Hamas suicide bomber on 21 March 1997, three days after construction commenced on Har Homa, killed three Israelis in a café in Tel Aviv. By early September, an additional two suicide operations took place, claiming the life of another 21 Israelis.

Negotiations between the Palestinians and the Israelis experienced its most difficult stage since the signing of the Oslo accords in 1993. Netanyahu reiterated his claims that the Palestinian Authority had failed to disarm and apprehend wanted terrorists, an accusation that from now where to stick with Yasser Arafat and the PA ever since. The PA complained about the increased settlement and Israeli by-pass construction. Hamas, on the other hand, experienced increased support among the Palestinians, both due to Arafat's and the peace process' failure to stop settlement construction and due to corruption within the PLO.

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<sup>128</sup> Cf. Berry and Philo, *Israel and Palestine*, p. 100.

<sup>129</sup> Jensen, *The Political Ideology of Hamas*, p. 23.

<sup>130</sup> Netanyahu is often held responsible for the establishment of Har Homa settlement. It was, in fact, initiated under Peres' government and put on hold under Netanyahu's Likud administration. The E1 Plan was the initiative of Labour's Benjamin Ben-Elizer while he was Housing Minister in the Peres administration. See Noam Chomsky, "Introduction" in *The New Intifada: Resisting Israel's Apartheid*, ed. Roane Carey (London: Verso, 2001), pp. 15-16.

<sup>131</sup> Palestinian Center for Policy and Survey Research (CPRS), "Polls 1-48, 1993-2000", in Gunning, *Hamas in Politics*, p. 47.

It was not until October 1998, after intense U.S. pressure, that the Israelis and the Palestinians concluded the next phase of the peace process. This happened with the signing of the *Wye River Accords* in Maryland. Here Israel undertook to redeploy its troops from a further 13 per cent of the West Bank, a redeployment to take place in three stages. The PA, on their part, re-committed itself to combat terrorism and agreed to work with Israeli security services and the American Central Intelligence Agency (CIA) to improve Israel's security, and to finally amend the parts of the Palestinian National Charter calling for Israel's destruction, as agreed upon in the Oslo Accords. Netanyahu, however, was in trouble with his government coalition, as well as with elements within his own party. With increased instability in the government, the Knesset voted on 21 December 1998 to dissolve the government and called for new elections to be held in May 1999.

Hamas declared its opposition to the Wye agreement, stating that if implemented it would likely stir up internal conflicts among the Palestinians. Yassin, now released from prison following a failed Israeli assassination attempt against Hamas political bureau leader Khaled Mish'al (b. 1956) in Jordan, went on by describing the Wye River Agreement "an act of treason."<sup>132</sup> Polls suggested that Hamas was gaining more and more ground within the occupied Palestinian territories: "Disillusionment with the Oslo peace process, if not with the idea of a peace process, rose to the point that only a third of respondents to polls conducted in 1999-2000 believed that a final settlement was possible within the Oslo framework"<sup>133</sup>, and while support for suicide bombers was around 20 per cent in the middle of the 1990s, in the late 1990s it rose to around 40 per cent.<sup>134</sup>

The Israeli election of May 1999 was won by Labour's Ehud Barak (b. 1942) and Israel and the Palestinians resumed final status negotiations at the Camp David summit, opened on 11 July 2000. After more than two weeks of talks, no resolutions on the issues were made and both sides blamed each other for the failure to reach an agreement. The issue of Jerusalem proved particularly difficult. "There did not seem to be any way that Israel would share sovereignty over the city or give up parts of East Jerusalem to the Palestinians, and no way that Arafat could accept less than full sovereignty over all of East Jerusalem."<sup>135</sup>

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<sup>132</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 120. For a thorough account on the affair in which Israeli Mossad agents unsuccessfully attempted to assassinate Khaled Mish'al in Jordan and which resulted in a prisoner exchange between Sheikh Yassin and the Mossad agents see Paul McGeough, *Kill Khalid: The Failed Mossad Assassination of Khalid Mish'al and the Rise of Hamas*, (New York: The New Press, 2009).

<sup>133</sup> Gunning, *Hamas in Politics*, p. 48.

<sup>134</sup> CPRS, "Polls 40-48, 1999-2000", in *Ibid.*

<sup>135</sup> Bickerton and Klausner, *A History of the Arab-Israeli Conflict*, p. 329.

While Barak returned to Israel to a no-confidence vote in the Knesset, Arafat on his part returned to Gaza praised as a hero who held his ground.

## **A New Intifada and the Collapse of Oslo: September 2000 – Summer 2002**

With the collapse of the Camp David summit, the Oslo peace process was nearly dead. The second Intifada, known as the *al-Aqsa Intifada*, killed it. When Likud leader Ariel Sharon (b. 1928), on 28 September 2000, entered the Temple Mount/Haram al-Sharif accompanied by around 1,000 security forces, this ignited a new Palestinian uprising.<sup>136</sup> While the first Intifada (from late 1987 to 13 September 1993) claimed around 1,200 Palestinian and 160 Israeli lives, the second Intifada, also referred to as the ‘armed uprising’ had of December 2008 resulted in the death of more than 4,800 Palestinians (including 955 children) and more than 1,000 Israelis (including 123 children).<sup>137</sup>

The al-Aqsa Intifada initially united the Palestinians as never before. On 8 October 2000, Arafat called for a meeting with all the factions within the PLO, and also included an official representative from Hamas, which up to then had boycotted meetings with the PA. Isma'il Abu Shannab, the Hamas Political Bureau member in Gaza, said in a statement that the meeting had been the first to “find [a] formulae to confront the Israeli occupation.”<sup>138</sup> Less than a week later, Islamist militants held in PA prisons in the West Bank and the Gaza Strip were released on public demand. Israel frowned and accused Arafat for not upholding the PA's obligations to combat terror. Meanwhile, Palestinian paramilitary organizations linked to Fatah, such *al-Aqsa Martyr's Brigade* (AMB), established themselves all over the West Bank and the Gaza Strip and joined forces with Hamas and the Islamic Jihad in coordinated attacks against Israel.

In terms of the PA's reactions to the Intifada, much has been said on Arafat's role. Some claim that he himself planned and orchestrated it in order to win concessions he could not secure at Camp David. Others say that he was powerless in stopping the uprising which was bound to happen after seven years of Palestinian frustration at the failures of the peace process.<sup>139</sup> What ever the case, what is clear is that Arafat was in a difficult situation. He was

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<sup>136</sup> Cf. Ibid., pp. 330-4.

<sup>137</sup> B'Tselem, “Statistics: Fatalities in the First Intifada” and “Statistics: Fatalities”, at [http://www.btselem.org/-English/Statistics/First\\_Intifada\\_Tables.asp](http://www.btselem.org/-English/Statistics/First_Intifada_Tables.asp) and <http://www.btselem.org/English/Statistics/Casualties.asp>, respectively.

<sup>138</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 199, note 19.

<sup>139</sup> See Jonathan Schanzer, *Hamas vs. Fatah: The Struggle for Palestine* (New York: Palgrave Macmillan, 2008), pp. 49-63; Berry and Philo, *Israel and Palestine*, pp. 114-15.



under scrutiny from the Israelis and the international society to fight terrorism as stipulated in the agreements with Israel and, at the same time, he needed to maintain his credibility among his Palestinian constituency by supporting them when they were attacked by Israel. His relations with Hamas, and vice versa, were bound to worsen. In October 2001 he ordered the arrest of two Hamas activists suspected for their role in a suicide attack in July earlier that year. Hamas responded angrily and said that such arrests should have stopped when the Intifada erupted.<sup>140</sup>

In February 2001 the Israeli public elected Sharon as prime minister on a vow not to negotiate with the Palestinians as long as the Intifada continued. One week later a member of Arafat's Force 17 bodyguards was assassinated by an Israeli Air Force (IAF) helicopter, and on 19 February a Hamas member was assassinated in Nablus. Further, on 23 November 2001, a senior Hamas militant and two of his comrades were assassinated by IAF helicopter missiles. It seemed that Israel had started on a campaign of targeted assassinations.<sup>141</sup>

Hamas retorted by attacking targets inside Israel. In early March 2001, a Hamas militant blew himself up in Netanya, killing three Israelis and injuring around 60 others, and on 1 and 2 December, Hamas carried out a series of suicide missions in Israel, resulting in the death of 28 and the injury of nearly 200 Israelis. Following these latest bombings, Arafat immediately ordered a crackdown and arrested around 200 Hamas supporters. Gun battles with Hamas militants, resulting in Palestinian casualties, erupted when PA security forces tried to implement a house arrest of Sheikh Yassin and a detention of Abd al-Aziz al-Rantisi (1947-2004).<sup>142</sup>

The violence continued on both sides throughout 2001 and the beginning of 2002 in a seemingly never-ending cycle of bloodshed. Hamas' suicide missions included the bombings at the *Dolphinarium* disco in Tel Aviv and the *Sbarro* pizza restaurant in West Jerusalem, in total killing 36 and injuring more than 250 Israelis. On 25 November 2001, the IDF assassinated Hamas leader Abu Hanoud, thought to be behind these bombings, again followed by Hamas retaliation. With an American delegation in the area trying to achieve a cease-fire, Hamas killed 26 and injured nearly 200 Israelis. After this, President George W. Bush (b. 1946) basically gave Sharon "*carte-blanche* to retaliate"<sup>143</sup> and U.S. Secretary of State Colin Powell said that this was Arafat's last chance to demonstrate he was a partner for peace. Israel,

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<sup>140</sup> Cf. Tamimi, *Hamas: Unwritten Chapters*, p. 201.

<sup>141</sup> Between 29 September 2000 and 26 December 2008 nearly 400 Palestinians was killed in Israeli targeted killings, of which a little over 50 per cent were the objects of the killings. See B'Tselem, "Statistics: Fatalities".

<sup>142</sup> Cf. Tamimi, *Hamas: Unwritten Chapters*, p. 201.

<sup>143</sup> Bickerton and Klausner, *A History of the Arab-Israeli Conflict*, p. 350.

on its part, pronounced the Palestinian Authority a terror-supporting entity and declared “that as far as Israel was concerned, Arafat was irrelevant, and that there would be no more contact with him.”<sup>144</sup> In early 2002, Israel started on campaigns against PA police headquarters and other institutions and laid siege and invaded major Palestinian towns. Then, on 28 March, following a Hamas bombing in Netanya claiming 29 Israeli lives, Israel launched *Operation Defensive Shield*, a military operation which meant a *de-facto* re-occupation of areas withdrawn from as agreed upon in the Oslo accords and a death to the notions of Areas A, B and C. Arafat’s compound in Ramallah was laid under siege and largely destroyed with the Palestinian president confined to only a few rooms, not daring to go outside. On 24 June 2002, President Bush said that the Palestinians needed to find another leader.<sup>145</sup> Arafat’s fate was sealed.

The EU, meanwhile, in conducting talks with both Fatah militants and Hamas officials, tried to work out a unilateral cease-fire agreement. Also the Egyptian, Jordanian and Saudi diplomats lent their support and agreed to try and persuade Hamas to stop terrorist attacks. These efforts, however, proved utterly fruitless after Israel, on 22 July 2002, dropped a one-ton bomb on a building in which Hamas leader Salah Shehadeh (1953 – 2002) resided in the Gaza Strip, killing him and 14 others, including nine children.

### **New Peace Initiatives: 2003 - 2004**

In March 2003, President Arafat appointed Mahmoud Abbas (b. 1935) as prime minister. He did so after pressure from the Americans who were adamant that too much power was situated with the Palestinian president. It was also a U.S. condition before they would release a new peace proposal, initially brought forward by the Jordanians in a visit to Washington in August 2002. By the end of April 2003, a document entitled *A Performance-Based Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict* (more commonly known as the Road Map)<sup>146</sup> was released. The authors behind the document, the so-called *Quartet*, consisting of the U.S., Russia, the UN and the EU, called for a three-phased plan to achieve and establish a Palestinian state next to Israel by 2005. In the first phase the following was required: All Palestinian violence must stop, Palestinian political structures must be reformed

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<sup>144</sup> Ibid., p. 350.

<sup>145</sup> Ibid., p. 353.

<sup>146</sup> See Israeli MFA, “A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict”, at <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/-A+Performance-Based+Roadmap+to+a+Permanent+Two-Sta.htm>.

and Israel must dismantle all settlement outposts built since March 2001, and there should be a phased Israeli withdrawal from territories re-captured in Operation Defensive Shield. In the second stage an international peace conference was to be held and a provisional Palestinian state would come into being. The final stage would involve a solution to Oslo's Final status issues, such as Jerusalem, borders and refugees.

On 4 June 2003, President Bush met with Prime Ministers Abbas and Sharon in Aqaba in Jordan. Following the Aqaba summit, Abbas issued a strong statement renouncing terror, calling for an end to the armed Intifada and pledging a cessation of terrorist activities against Israelis anywhere. Sharon, on his part, in acknowledging that there would be a Palestinian state, said Israel would uproot 'illegal outposts'.<sup>147</sup>

Like many Palestinians, Hamas strongly disliked that Palestinians should renounce violence at a time when Israel continued its targeted assassinations, house demolitions, curfews and other punitive measures against the entire Palestinian population. Maybe most important in this respect was Israel's construction of what they called a 'security fence' along the West Bank.<sup>148</sup> This work started on 17 June 2003 and the Palestinians feared that the fence was *de facto* creating borders, including most of the Israeli settlements and water resources on the 'Israeli side' of the fence.<sup>149</sup> The humanitarian situation in the occupied territories was dire and by mid-2000, around 20 per cent of the Palestinian population lived below the poverty line (at US 2.3\$/day).<sup>150</sup> Abbas' speech after the Aqaba summit, therefore, angered most Palestinians and not only the Islamists. Hamas announced that they would not hold any truce or cease-fire talks with Abbas and vowed to continue the Intifada.

However, following intervention from the arrested high profile Fatah member, and Israeli alleged al-Aqsa Martyr's Brigade leader (AMB), Marwan Barghouti, a ceasefire for three months was agreed to on 29 June by Hamas, Islamic Jihad and the AMB. The truce, however, was fragile. An Israeli assassination of an Islamic Jihad leader was followed by a Hamas suicide bombing in Jerusalem on 19 August, killing 22 Israelis, six children included.

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<sup>147</sup> The state of Israel operates with two different labels of legitimacy on Jewish settlements in the occupied Palestinian territories; those not acknowledge by the state are called 'illegal'. Cf. Bickerton and Klausener, *A History of the Arab-Israeli Conflict*, p. 358-9.

<sup>148</sup> The 'fence' structure of this 'Barrier' as the UN calls it constitutes construction of up to a width of 30 meter consisting of fences, barbed wire, paved patrol roads, and ditches. In major Palestinian urban areas and areas near the Green Line, the 'fence' constitutes 8m high concrete wall structure and paved patrol roads. As of July 2008, 86 per cent of the planned 725 kilometre route of the Barrier runs inside the West Bank. See UN Office for the Coordination of Humanitarian Affairs (UNOCHA), "The Humanitarian Impact of the Barrier: Four Years After the Advisory Opinion of the International Court of Justice on the Barrier" (PDF-file), July 2008, at [http://www.ochaopt.org/documents/Barrier\\_Report\\_July\\_2008.pdf](http://www.ochaopt.org/documents/Barrier_Report_July_2008.pdf).

<sup>149</sup> For a good account on Israel's construction of the 'West Bank Barrier' as the UN refer to it see Ray Dolphin, *The West Bank Wall: Unmaking Palestine*, (London: Pluto Press, 2006).

<sup>150</sup> Cf. Gunning, *Hamas in Politics*, p. 49.

Israel immediately froze security talks and its planned withdrawal from West Bank locations. Hamas and Islamic Jihad, on their part, officially announced that the truce was over two days later when the Israelis killed Hamas Abu Shannab. As the violence continued on both sides, Abbas resigned as PM on 6 September 2003, to be followed by his immediate supervisor during the negotiations over the Oslo Accords, Ahmed Ali Muhammed Qurei (b. 1937), known as a staunch ally of Arafat. Bush said that Arafat had “failed as a leader” and the Israelis declared that “Arafat was a complete obstacle to any reconciliation between Israel and the Palestinians”, that the government would work to “remove” this obstacle “in a manner and time of its choosing.”<sup>151</sup>

The violence continued. Israel also commenced on military operations in the south of the Gaza Strip, intended to uncover and destroy suspected smuggling tunnels from Egypt. In such an operation in Rafah in May 2004 alone, around 300 buildings were demolished, making almost 3,800 people homeless. Between September 2000 and May 2004 around 1,500 buildings were destroyed by the IDF and 15,000 Palestinians were made homeless in Rafah.<sup>152</sup> Palestinian militants responded by launching rocket attacks from the Gaza Strip against Israel, most notably targeting the southern town of Sderot.

Then, in December 2003, Ariel Sharon started to talk of a unilateral withdrawal from the Gaza Strip.

### **The Unilateral Israeli ‘Disengagement Plan’: 2004 – September 2005**

By spring of 2004 it was clear that Ariel Sharon wanted to evacuate all 21 settlements and military installations from the Gaza Strip as well as four small Jewish settlements in the northern part of the West Bank. Although completely physically withdrawing from the Gaza Strip, Israel would, however, remain in total control of the coastline and airspace, as well as continue to have control of the border crossings surrounding the Strip. Sharon, considered one of the main architects behind Israel’s settlement policy and a staunch advocate for ‘Greater Israel’, took everyone by surprise.

The plan also met with fierce opposition, both from settlers and members of his Likud party, as well as from Palestinians. The PA opposed the unilateral nature of the plan as they feared that a non-negotiated Israeli withdrawal would distract attention from what they saw as

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<sup>151</sup> All quotations are from Bickerton and Klausner, *A History of the Arab-Israeli Conflict*, pp. 360-61.

<sup>152</sup> See UNOCHA, “United Nations Rafah Humanitarian Needs Assessment, Executive Summary, 6 June 2004”, at [http://www.ochaopt.org/documents/Executive\\_Summary\\_English.pdf](http://www.ochaopt.org/documents/Executive_Summary_English.pdf).

Sharon's plan for consolidating control of the West Bank by 'sacrificing' the Gaza Strip. The continued construction of the West Bank Barrier, the E1 plan, and other facts on the ground all pointed in this direction, they argued. This fear increased even further following President Bush's speech on 14 April 2004 in which he said: "In the light of new realities on the ground, including the already existing major Israeli population centres, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice line of 1949."<sup>153</sup> The PA further feared that Sharon's disengagement plan would create greater instability and a power-vacuum, leaving the Gaza Strip without an effective government, and that Sharon's plan would effectively create more supporters for the Islamists, as Hamas and the Islamic Jihad would be claiming that the Israeli withdrawal came following their armed opposition against occupation. In short, the PA was afraid that a unilateral Israel withdrawal from the Gaza Strip would strengthen Hamas versus Fatah. Then, on 22 March 2004, Sharon ordered the assassination of Sheikh Yassin to be followed by another assassination by the Sheikh's successor al-Rantisi on 17 April. Sharon clearly did not want Hamas to take over after he was to leave the Gaza Strip in a year's time.

In reality, however, many of the measures Israel took after Sharon was elected actually had the effect of undermining the PA and as a consequence strengthening Hamas. Arafat was himself facing an uprising against his leadership in the Gaza Strip. Fatah affiliated Palestinians kidnapped four French aid workers as well as two Palestinian policemen, saying they would not release them unless Arafat tackled corruption in the PA. It seemed clear to everyone that lawlessness was increasing in the Gaza Strip in the months leading up to the Israeli withdrawal, as different parties, groups, families, clans and factions began to try and strengthen their positions. There were daily demonstrations against the PA and increased criminal and violent behaviour, including the kidnapping of several internationals.

On 15 August 2005, Israel began to unilaterally withdraw from the Gaza Strip and by 12 September, 38 years of Israeli presence in the Strip ended. The Palestinians of Gaza, led by Hamas, celebrated the liberation of the Strip, attributing it primarily to armed opposition against occupation. The failure of the peace process, whether the Madrid talks, the Oslo Accords, the Road Map or Sharon's unilateral disengagement policy, proved in the eyes of many Palestinians that Hamas' approach was the only one working.

## **The Municipal Elections: December 2004 – December 2005**

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<sup>153</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 205.

On 11 November 2004, Yasser Arafat died in a Paris hospital. Never truly trusted by the Israelis as a man who genuinely wanted peace, Arafat had spent his last years in house-arrest in the West Bank town of Ramallah. With his death, opportunities for negotiations to resume between Israel and the PA appeared to re-open, and on 9 January 2005, Mahmoud Abbas (Abu Mazen) won the presidential election. Abbas inherited Arafat's two-sided problem in both pleasing Israel by stopping Palestinian militant attacks against Israel and, at the same time, not be seen as someone only doing Israel's bidding.

Abu Mazen was not ready to act against Hamas, fearing a civil war on his hands. Instead he went to Gaza in order to meet with Hamas to discuss a cease fire. At the same time, he ordered his security apparatus to deploy to the northern areas of the Gaza Strip in an attempt to prevent Palestinian rocket attacks against Israel. On 8 February 2005, Abbas met with Sharon in Sharm Al-Sheikh in Egypt where a mutual cease-fire was announced. Hamas said that Abbas' statement was a unilateral declaration by the PA and that it was not binding to them, but after some talks with Abbas in Gaza, and after pressure from Egypt, Hamas leaders agreed to a temporary period of calm (*tahdi'ya*).

Although Hamas boycotted the presidential election in January 2005, stating that a presidential election under occupation could not be considered free and fair, they welcomed positively the announcement of municipal elections to be held in four different rounds from December 2004 to December 2005. Hamas had, in fact, on several occasions since the coming of the PA in 1994 asked for municipal elections, not held in the occupied territories since 1976. And although Hamas also boycotted the legislative elections of 1996, this did not mean that they did not have election experience. Drawing on the experience of its mother organization, the Muslim Brotherhood, Hamas had by 1992 become a significant political threat to Fatah's dominance in the occupied territories, winning a number of important victories in student and professional union elections. For instance, between 1995 and 2006, Hamas won all student elections at al-Najah and Hebron universities, as well at the Islamic University in Gaza.

Overall, Hamas won around a third of the seats in the Municipal elections, with Fatah taking control over 121 municipalities and Hamas 81. However, these numbers only tell one part of the story. They do not inform us that Hamas won most its electoral victories in highly populated areas. Despite Fatah having won control over most municipalities the locations of the Hamas victories meant that "over 1,000,000 Palestinians now live in municipalities

governed by Hamas, compared with about 700,000 in municipalities controlled by the hitherto dominant Palestinian movement, Fatah.”<sup>154</sup>

Abbas had promised legislative elections to be held no later than 17 July 2005. The results from the municipal elections truly encouraged Hamas members in the Gaza Strip who became enthusiastic about participating in the PLC elections. They felt confident they would do well. Hamas members in the West Bank were more cautious but in the end it was decided that Hamas should participate. The explanation to do so was first and foremost that the Oslo era was dead and that therefore the legislative elections. As Izzat al-Rishiq, the head of the Hamas election committee put it:

Our boycott at that time [1996] was not ideological [...] It was based only on our own assessment of what was in the interest of our cause and our people and what was not. We knew the Oslo Accords were doomed and that it was only a matter of time before the peace process between the Palestinian Authority and Israel reached a dead end and collapsed.<sup>155</sup>

Several Fatah leaders, however, advocated for a postponement of the planned PLC elections. They were nervous and feared that Fatah would not do well. Some also argued that holding the elections prior to the Israeli withdrawal from the Gaza Strip was likely to improve the position of Hamas. In fact, in a March 2005 poll, 75 per cent of the respondents believed that Sharon’s disengagement plan was “a victory for the Palestinian armed struggle.”<sup>156</sup> On 4 June 2005, Abbas issued a decree postponing until further notice the legislative elections, giving as reason for the delay a dispute over reform of the election law. However, on 20 August 2005, the President announced that the date for the elections would be 25 January 2006.

### **Increased Unrest, Hamas’ Surprise Victory, and International Boycott: Mid 2005 – Summer 2007**

The security and humanitarian situation in the occupied territories and Israel deteriorated during the second half of 2005. Following Israel’s disengagement, the Gaza Strip descended into internal lawlessness and anarchy. Abbas and the PA seemed unable to control the

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<sup>154</sup> Gunning, *Hamas in Politics*, p. 147.

<sup>155</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 212. See also Mouin Rabbani, “A Hamas Perspective on the Movement’s Evolving Role: An Interview with Khalid Mishal: Part II” (Mishal Interview, Part II), *Journal of Palestine Studies*, Vol. 37, No. 4 (Summer 2008), p. 68.

<sup>156</sup> CPRS, “Poll 15, March 2005”, in Gunning, *Hamas in Politics*, p. 177.

different families, clans and factions who had been trying to position themselves ever since the months prior to the Israeli withdrawal. The situation was not much better in terms of external fighting. Although Hamas honoured the 8 February 2005 Agreement, Islamic Jihad and other Palestinian militants fired rockets from the northern Gaza Strip into southern Israel. Israel re-entered northern parts of the Gaza Strip, launched major helicopter rocket attacks, and resumed targeted assassinations. In the West Bank, Israel continued its construction of the Barrier, expropriated land and restricted travel for the Palestinians through a dual road network as well as through physical barriers put in place on Palestinian roads.<sup>157</sup>

Meanwhile, polls conducted before the 25 January 2006 parliamentary elections all predicted that Hamas would do well, but still indicated that Fatah would win. In one of these polls, for instance, Fatah was said to gain 50 per cent of the votes and Hamas 32 per cent.<sup>158</sup> Another poll in early January 2006, narrowed the difference down, indicating that Fatah would obtain 39.3 per cent and Hamas' *Change and Reform* list would get 31.3 per cent.<sup>159</sup> After Election Day, when the results had been counted up, it was clear that all polls had been wrong. Hamas won 74 out of 132 seats in the parliamentary elections and Fatah only 45. The following day, Ahmed Qurei resigned together with his cabinet, saying that "it now falls to Hamas to form a government."<sup>160</sup> He did, however, at the request of President Abbas remain in office until Isma'il Haniyeh, the head of the Hamas Change and Reform list, on 29 March 2006 formed a new government.

Several factors have been contributed to Hamas' surprise victory, chief among them was the notion that the voters wanted to punish Fatah for its corruption, and as such instead voted Hamas, known as "a movement with clean hands."<sup>161</sup> Others have also pointed at other reasons: First, Hamas' unwillingness to recognize Israel has had a huge impact with thousands of Palestinian refugees dreaming of returning to their land. Second, Hamas, as a successor to the Muslim Brotherhood, is a major social provider to the Palestinian population. Compared to the corruption within the Fatah dominated PA, many therefore instead voted for Hamas. Third, the failure of the peace process and Israel's unilateral decision making added to Hamas' gain:

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<sup>157</sup> The UN states that 475 physical barriers were in place in the West Bank in January 2006, all restricting access for Palestinians. See UNOCHA, "West Bank Closure Count and Analysis", September 2006, (PDF-file), at [http://www.ochaopt.org/documents/Closure\\_count\\_analysis\\_sept06.pdf](http://www.ochaopt.org/documents/Closure_count_analysis_sept06.pdf).

<sup>158</sup> Cf. Tamimi, *Hamas: Unwritten Chapters*, p. 217.

<sup>159</sup> Ibid., p. 218.

<sup>160</sup> Ibid.

<sup>161</sup> Mahjoob Zweiri, "The Hamas victory: shifting sands or major earthquake?", *Third World Quarterly*, Vol. 27, No. 4 (2006), p. 678.



Rather than deliver the Palestinians from their misery, the apparently endless process seemed only to have aggravated their suffering. Hamas had predicted all along that Israel would not fulfil its bargain, and that it was using peace-making in order to expropriate more land. [It seemed that] Israel proved Hamas right when it turned against its own partners in the peace process, destroying the Palestinian Authority's institutions and literally besieging Yassir Arafat...<sup>162</sup>

The U.S. and Israel reacted as expected. Israel, in breach of the *1994 Paris Protocol*, immediately withheld the around \$60 million a year it collects in taxes and revenues on behalf of the PA and tightened its grip on the borders around the Gaza Strip, allowing very little goods to enter and nearly none to be exported.<sup>163</sup> The Bush administration said there would be no recognition of Hamas, no dialogue and no aid to a Hamas led Palestinian Authority unless Hamas agreed to three conditions: First, Hamas had to recognize Israel. Second, it had to renounce violence and disarm, and thirdly, it had to accept all previous Palestinian-Israeli agreements. Hamas, on their part, did not intend to meet these demands. For Hamas, the problem was with the occupier, not with the occupied. If the U.S. truly wished to achieve peace, Hamas argued, they should pressure Israel to end its occupation. However, Hamas did announce an extension of its long-term unilateral truce. This hudna was offered by Hamas prior to the elections, suggesting that Hamas would not attack Israel as long as Israel ceased its offensive against Palestinian cities. Also the Quartet joined the U.S. and Israel in their boycott of the new PA regime. This economic boycott meant that the PA lost around \$1 billion in aid annually, money needed to pay salaries to around 150,000 PA employees (including 58,000 PA security forces) who were the breadwinners to approximately one third of the Palestinian population.<sup>164</sup>

Khaled Mish'al, the political bureau leader in Damascus, and *de facto* leader of Hamas, said in a speech soon after the elections that Hamas was committed to a partnership with Fatah in forming a new government. Mish'al also said that Hamas would approach the current political situation in Palestine, including what had resulted from the Oslo process, in a spirit he called "extreme realism"<sup>165</sup> and that Hamas would respect the commitments of its predecessor as long as this did not conflict with the best interests of the Palestinian people. Fatah, initially opposed to an idea of a national unity government with Hamas, eventually agreed to it, however, on two conditions: That Hamas recognize Israel's right to exist and

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<sup>162</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 221.

<sup>163</sup> See UNOCHA, "Gaza Access Reports", (Regularly updated), at [http://www.ochaopt.org/?module=-displaysection&section\\_id=10&static=0&edition\\_id=&format=html](http://www.ochaopt.org/?module=-displaysection&section_id=10&static=0&edition_id=&format=html).

<sup>164</sup> Cf. Zweiri, "The Hamas victory: shifting sands or major earthquake?", p. 682.

<sup>165</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 224.

second, that Hamas should recognize the PLO's claim to be the sole legitimate representative of the Palestinian people. Hamas refused and formed a government of its own, which took office 29 March 2006.

President Abbas, in a bid to undermine the Hamas government, issued a number of decrees stripping the new cabinet of powers. As a consequence, the Hamas-led government had no police force at its disposal, no government-control over the media, almost no control over land sales and registration, and no authority whatsoever over the frontier crossings with Israel. All these powers resided instead with President Abbas who, through support and financial backing from the international community, tried to establish a parallel government. Hamas, on their part, had to take action against the lawlessness that took place in the Gaza Strip. As Abbas's police force stood by and did nearly nothing,<sup>166</sup> Hamas announced the formation of a special Interior Ministry Force of 3,000 men to keep the peace and maintain law and order. Meanwhile, the international boycott of the new government led to increased unrest in the Palestinian society. All the PA employees, not having received a salary in months, soon staged violent protests against government buildings and the protests soon escalated into armed clashes.

In an attempt to reconcile with President Abbas and to meet the International community's demands of Israeli recognition, imprisoned Hamas official 'Abd al-Khaliq Natsheh, together with imprisoned leading members from the Democratic Front for the Liberation of Palestine (DFLP), the Popular Front for the Liberation of Palestine (PFLP), the Islamic Jihad, and Fatah leader Marwan Barghouti, signed the *National Reconciliation Document* (also known as the 'Prisoners Document') in May 2006.<sup>167</sup> However, Hamas later retracted its signature from the document when Abbas insisted to hold a Palestinian referendum based on the document's contents. Then, in June 2006, Fatah's leadership said that they formed a new military unit, consisting of 2,500 members in the West Bank as a response to Hamas's 3,000-strong militia in the Gaza Strip. Fatah also trained another 3,000 men in the Gaza Strip.

Israel, meanwhile, had continued its firing into the Gaza Strip, allegedly to deter Palestinian rocket attacks fired into Israel. Then, on 9 June, Israel fired several artillery shells at the beach of the northern Gaza Strip, killing nearly an entire Palestinian family, seven

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<sup>166</sup> Cf. "Hamas's Coup in Gaza" (PDF-file), *The International Institute for Strategic Studies*, Vol. 13, No. 05 (June 2007), at <http://www.iiss.org/EasysiteWeb/getresource.axd?AssetID=2571&type=full&servicetype=Attachment>.

<sup>167</sup> See Jerusalem Media & Communication Centre (JMCC), "The Full Text of the National Conciliation Document of the Prisoners, June 28 2006", at <http://www.jmcc.org/documents/prisoners2.htm>.

people in total, and injuring dozens. Hamas called off its 16-months truce and vowed to resume attacks against Israeli targets. On 24 June, Israel entered the Gaza Strip and captured two known Hamas members. Less than 24 hours later, Palestinian militants, among them members from the Izz al-Din al-Qassam Brigades, killed four Israeli soldiers at Kerem Shalom border crossing. They also captured an IDF corporal, Gilad Shalit. It did not take long before Israel responded. On 29 June, Israeli troops detained 87 Hamas officials, including both ministers and PLC members, most of them were apprehended from a hotel in the West Bank town of Ramallah. At the same time, Israel also continued targeting the border areas in the Gaza Strip, as well as infrastructure and PA institutions, including the offices of the Prime Minister, the Ministry of Economy and the Ministry of Foreign Affairs.

This, coupled with the increased internal infighting, lawlessness and turmoil all pointed towards insecure days ahead for the people in the Gaza Strip.

### **The Battle of Conflict: December 2006 – June 2007**

During the second half of 2006, 103 Palestinians were killed in infighting in the Gaza Strip. The increased tension and escalating violence between Fatah and Hamas loyalists continued in 2007, with 396 Palestinians killed in the first six months of the year compared to 124 Palestinians killed by Israeli actions during the same period.<sup>168</sup> As an attempt to stop the fighting, a Palestinian national unity government was established on 17 March 2007. This government, reached as a consequence of the *Mecca Agreement* of 8 February was, however, just as fragile as an early June truce between the two sides.<sup>169</sup> In the end, a regular military battle for power of the Gaza Strip took place in the second week of June. On 15 June, the fighting ended, resulting in an overwhelming victory for Hamas. More than 115 people were killed and more than 550 injured in the fighting in this week in June alone.<sup>170</sup> The June takeover was triggered by Hamas' belief that the Fatah partisans of the presidential Guard,

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<sup>168</sup> See UNOCHA, "Protection of Civilians Summary Data Tables", at [http://www.ochaopt.org/documents/PoC\\_tables\\_July\\_07.xls](http://www.ochaopt.org/documents/PoC_tables_July_07.xls).

<sup>169</sup> According to the accords in Mecca, Hamas would hold nine cabinet posts in addition to the prime minister and the responsibility to name an independent interior minister. Fatah would have six seats and other parties would hold four. See "PA President Mahmud Abbas and Hamas Political Leader Khalid Mishal Mecca Accord, Mecca, 7 February 2007", *Journal of Palestine Studies*, Vol. 36, No. 3 (Spring 2007), p. 189.

<sup>170</sup> See International Committee of the Red Cross (ICRC), "Gaza-West Bank - ICRC Bulletin No. 22/2007", at <http://www.alertnet.org/thenews/fromthefield/220224/025f24b73a37ef712ad576eb84b22e84.htm>.

which the U.S. had helped built up and train, was in fact preparing to seize control from Hamas.<sup>171</sup>

President Abbas had already on 14 June dissolved the national unity government, dismissing Isma'il Haniyeh from the office as prime minister, and declared a state of emergency, ruling both the West Bank and the Gaza Strip by a presidential decree. On 15 June, Abbas swore in a Hamas free PA government in the West Bank, led by the independent Salam Fayyad, and promised to hold new parliamentary elections as soon as possible. Hamas dismissed the presidential decree, and two rival governments in the Gaza Strip and Ramallah emerged, both claiming constitutional legitimacy. Abbas' government won widespread international support and the Hamas government in the Gaza Strip still faces international, diplomatic, and economic isolation.<sup>172</sup> As Hamas gained control over the Gaza Strip, Israel tightened its grip of the border crossings and Egypt closed the pedestrian border in the south of the Gaza Strip.

Hamas and others continued to fire rockets into southern Israel. According to Israeli sources, 697 rockets and 822 mortar shells were fired at Israeli towns in the period between Hamas' taking control of the Gaza Strip in June 2007 and end of January 2008.<sup>173</sup> On 19 September 2007, Israel declared the Gaza Strip a hostile entity, and cut off fuel and electricity supplies. In February 2008, Israeli-Palestinian fighting increased, again with rockets fired into Israeli towns and Israel firing into the Gaza Strip. Then, on 17 June 2008, a ceasefire brokered by Egypt was agreed between Hamas and Israel. In this tahdi'ya, Hamas committed itself to stop firing rockets into Israel and Israel promised to ease the closure on the Gaza Strip. It was a six-month cease-fire to start 19 June 2008 and to expire 19 December 2008. Hamas announced that they would "adhere to the timetable which was set by Egypt but it is Hamas's right to respond to any Israeli aggression before its implementation."<sup>174</sup>

Then, on 4 November 2008, Israeli forces killed six Hamas militants in a raid inside the Gaza Strip and Hamas replied with firing several rockets into Israel. According to Israel,

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<sup>171</sup> Cf. Beverly Milton-Edwards, "The Ascendance of Political Islam: Hamas and Consolidation in the Gaza Strip", *Third World Quarterly*, Vol. 29, No. 8 (2008), p. 1589. For U.S. involvement in the conflict between Hamas and Fatah in 2006 and 2007 see also Rabbani, "Mishal Interview Part II", pp. 70 and 73-4; David Rose "The Gaza Bombshell", in *Vanity Fair* (April 2008), at <http://www.vanityfair.com/politics/features/2008/04/-gaza200804?printable=true&currentPage=all>.

<sup>172</sup> For a discussion on the legal issues regarding President Abbas' dismissal of the Hamas government see Nathaniel Brown, Carnegie Endowment for International Peace, *What can Abu Mazin do?*, at <http://www.carnegieendowment.org/files/AbuMazinUpdateJune1507.pdf>.

<sup>173</sup> Israeli MFA, "Statistics of Kassam rocket and mortar fire from the Gaza Strip", at <http://www.mfa.gov.il/MFA/Terrorism+Obstacle+to+Peace/Palestinian+terror+since+2000/Missile+fire+from+Gaza+on+Israeli+civilian+targets+Aug+2007.htm#statistics>.

<sup>174</sup> See AFP: "Israel and Hamas reach Gaza truce deal", at <http://www.indianexpress.com/news/israel-and-hamas-reach-gaza-truce-deal/324154/>.

during November alone, more than 190 rockets were fired from the Gaza Strip into Israel.<sup>175</sup> On 18 December, Hamas issued a statement declaring that it would end the six-month ceasefire scheduled to officially expire the next day.<sup>176</sup> Hamas blamed Israel, saying it had not respected its terms, including the lifting of the blockade under which very little humanitarian aid was allowed into Gaza.<sup>177</sup> Israel blamed Hamas for the rockets fired at its southern towns.<sup>178</sup>

### **Operation ‘Cast Lead’: 27 December 2008 – 21 January 2009**

Over the weekend of 27-28 December, Israel implemented *Operation Cast Lead* against Hamas. The Israeli announced purpose of this military operation was to stop Hamas from firing rockets towards Israel and to target members and infrastructure of Hamas. The operation started with aerial bombardment from F16 fighter jets and IAF fighter helicopters, and continued with a ground offensive on 3 January 2009. Hamas continued throughout the operation to fire rockets into Israel.

The UN Security Council, on 28 December, issued a statement calling “for an immediate halt to all violence”<sup>179</sup> and passed, on 9 January, resolution 1860, calling for “an immediate, durable and fully respected cease-fire leading to a full Israel withdrawal” and an end to Gaza arms smuggling.<sup>180</sup> The resolution was passed by 14 votes to one abstention from the United States. On 17 January, Israel declared a unilateral cease fire, stating that the military objectives had been achieved. The following day, Hamas said they would stop firing rockets into Israel for one week, on condition that Israel would withdraw from the Gaza Strip. Then, on 21 January, the same day that U.S. President Barack Obama (b. 1961) was

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<sup>175</sup> Cf. Robert Lustig, “Gaza: the numbers”, at [http://www.bbc.co.uk/blogs/worldtonight/-2009/01/gaza\\_the\\_numbers.html](http://www.bbc.co.uk/blogs/worldtonight/-2009/01/gaza_the_numbers.html)

<sup>176</sup> Toni O’Loughlin, *The Guardian*, “Hamas answers Israeli air raid with rockets as truce ends early”, at <http://www.guardian.co.uk/world/2008/dec/19/israel-hamas-gaza-violence>.

<sup>177</sup> BBC News, “Hamas declares Israel truce over”, at [http://news.bbc.co.uk/1/hi/world/middle\\_east/-7791100.stm](http://news.bbc.co.uk/1/hi/world/middle_east/-7791100.stm).

<sup>178</sup> See also Head of UNRWA, Karen Abu Zaid’s, statement saying that “Hamas had observed the truce quite strictly for almost six months, certainly for four of the six months, and that they got nothing in turn - because there was to be kind of a deal [...] If there were no rockets, the crossings would be opened, she said. The crossings were not opened at all”, AP, “UN official says Israel responsible for breaking truce with Gaza”, in *Haaretz.com*, at <http://www.haaretz.com/hasen/spages/1051211.html>.

<sup>179</sup> Reuters, “U.N. Security Council calls for an end to Gaza violence, 28 December 2008”, at <http://www.reuters.com/article/newsMaps/idUSTRE4BR0H920081228>.

<sup>180</sup> See UN Security Council – Resolutions, “Resolution 1860 (2009)”, (PDF-file), at <http://daccessdds.un.org/doc/UNDOC/GEN/N09/204/32/PDF/N0920432.pdf?OpenElement>.

inaugurated, Israeli forces withdrew completely from the Gaza Strip. The cease-fire(s), however, remain fragile and have been breached on both sides already.<sup>181</sup>

According to Palestinian sources, following 22 days of Israeli bombardment from air, sea and land, 1,417 Palestinians (including 313 children and 116 women) were killed and over 5,303 injured (including 1,606 children and 828 women).<sup>182</sup> According to Israeli sources, three Israelis civilians were killed and 183 injured since 27 December 2008 by Palestinian rocket and mortar fire and 11 IDF soldiers were killed and 340 wounded in the operation. An UN assessment conducted between 22 and 25 January indicated that, in 45 surveyed localities in Gaza, 10,991 displaced households, or 71,657 people, were staying with host families due to the destruction of their homes.<sup>183</sup>

## **Retrospect: Hamas and the Peace Process from 1988 to 2009**

The history of Hamas and the Israeli-Palestinian conflict is a history of broken peace proposals and violence between Palestinians and Israelis and internally among both Palestinians and Israelis, and Hamas has from the very beginning been one of the major obstacles to a peaceful solution. As stated in Chapter One, Hamas was born as a consequence of the first Intifada in late 1987. During the first years of the organization's existence, Hamas concentrated its efforts in participating in the Intifada and as such acted as accordingly to its founding principles by fighting against Israeli occupation. However, as shown in the first Gulf War, Hamas also reflected signs of pragmatism already in its early years. Had Hamas only been an organization basing itself on fundamentalist ideology and doctrine, it is unlikely that it would have bothered to take a balanced stance to the Iraq-Kuwait issue. Meanwhile, failed peace proposals between the Israelis and the Palestinians seemed to vindicate increased support for Hamas.

However, with the signing of the DOP and the installation of a Palestinian Authority in the Gaza Strip and Jericho in mid-1994, Hamas found itself in a more difficult situation.

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<sup>181</sup> See UNOCHA, "Field Update on Gaza from the Humanitarian Coordinator, 10 – 16 March 2009", (PDF-file), at [http://www.ochaopt.org/documents/ocha\\_opt\\_gaza\\_humanitarian\\_situation\\_report\\_2009\\_03\\_16-english.pdf](http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report_2009_03_16-english.pdf) and Shaar Hanegev, "More than 120 rockets hit southern Israel since end of Gaza war", American Friends of Magen David Adom, at <http://www.afmda.org/content/newsroom/mda%20news.aspx#>.

<sup>182</sup> Palestinian Centre for Human Rights (PCHR), "Press release 12 March 2009 (Ref: 36/2009)", at <http://www.pchrgaza.org/files/PressR/English/2008/36-2009.html>. PCHR further breaks down the Palestinians killed into the categories of: 65 per cent civilians, 18 per cent police officers, and 17 per cent combatants.

<sup>183</sup> Cf. UNOCHA, "Field Update on Gaza from the Humanitarian Coordinator, 30 January – 2 February 2009, 1700 hours" (PDF-file), at [http://www.ochaopt.org/documents/ocha\\_opt\\_gaza\\_humanitarian\\_situation\\_report-2009\\_02\\_02\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report-2009_02_02_english.pdf).

First, the mood among the Palestinian population was clearly in favour of a peaceful settlement to the conflict with the Israelis. As such, Hamas risked losing its popular support. Second, with the creation of a Palestinian Authority, Hamas found themselves also attacked internally. Nevertheless, Hamas did not immediately take a rigid stance against the DOP, and seriously debated participation in institutions born out of it. That Hamas in the end came out in favour of non-participation is nevertheless a testimony to flexible thinking. Flexibility and pragmatism is also detectable in Hamas' stance towards the Wye River Agreement. Although opposing it as something born out of Oslo and as such justifying its stand on more ideological grounds, Hamas also opposed Wye River due to the dangers it represented towards its own existence as its threat to Palestinian unity.

In the end Hamas did not need to worry too much with regards to its Palestinian constituency. The Islamist organization was saved not only by its own strategy of actively undermining the peace process, but also by the failure of the peace partners to live up to their obligations. With the outbreak of al-Aqsa Intifada in late September 2000, the peace process was clearly dead. Israeli measures, such as increased settlement and Barrier construction, continued curfews, house demolitions, restricted access and a policy of targeted assassinations as well as unilateral steps to solve the conflict, all helped in bringing down any hopes of a just settlement. As for the Palestinian Authority, increased disagreements between 'old' and 'new' Fatah cadres, and accusations of corruption and nepotism, as well as an inability to deliver on its promises in the peace process surfaced, particularly following Yasser 'Arafat's death in November 2004.

However, these developments also opened for Hamas' contestation for political power in the occupied territories from December 2004 to January 2006 and bears witnesses of a pragmatic organization which, nevertheless, has some red lines it does not wish to cross. Participation in the 2005 presidential elections was not welcomed, but the municipal elections were, as was the PLC elections. Participation in the municipal elections reflected for Hamas a wish to serve the Palestinian people, as well as the perceived political influence this would gain for its organization. Non-participation in the presidential elections, on the other hand, was not only justified on ideological grounds – that it would mean recognition of a two-state solution, but was also justified by a more secular argument, which holds that to serve as president under occupation does not make any sense.

The Israeli operation 'Cast Lead' followed 18 months of tight closure of the Gaza Strip, during which very little goods, medical supplies, and fuel were allowed in. Despite a truce signed on 17 June 2008, and despite an agreement brokered by U.S. Secretary of State,



Condoleezza Rice in November 2005,<sup>184</sup> Israel allowed very limited imports into the Gaza Strip and almost no exports. ‘Cast Lead’ also followed a period of increased rocket firing from the Gaza Strip into southern Israeli locations, which accordingly was what prompted Israel to launch the operation. However, Israeli statistics show that the rocket firing from the Gaza Strip into Israel was quite low in the period of calm in second half of 2008. It was only in November that the numbers again increased significantly, following an IDF operation killing six Hamas militants on 4 November.<sup>185</sup>

Since Hamas’ surprising victory in the elections in January 2006 the outcome has thus been one of collective failure. As commented by the International Crisis Group:

[...] by Hamas, which missed the opportunity to act as a responsible political actor; of Israel, which stuck to a shortsighted policy of isolating Gaza and seeking to undermine Hamas that neither helped it nor hurt them; of the PA leadership, which refused to accept the consequences of the Islamists’ electoral victory, sought to undo it and ended up looking like the leader of one segment of the Palestinian community against the other; and of the international community, many regional actors included, which demanded Hamas turn from militant to political organisation without giving it sufficient incentives to do so and only recognised the utility of Palestinian unity after spending years obstructing it.<sup>186</sup>

## Conclusion

In light of the above discussion on historical events in the peace process and Hamas’ role in it, what seems clear is that Hamas is not an Islamist movement grounded only in ideological and dogmatic beliefs. On the contrary, Hamas’ actions related to the peace process reflect a pragmatic and flexible organization more than that of a fundamentalist one. This seems clear both in terms of Hamas’ notions of the peace process and through its relations with its counterparts, especially towards Israel and the Fatah dominated PA.

First, in regards to its relations with Israel, this can be exemplified, for instance, when it comes to Yassin’s announcement in 1994 that Hamas could accept a long-term solution to

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<sup>184</sup> The World Bank, “The Agreement on Movement and Access of November 15, 2005” (PDF-file), at <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AgreementMovementAccess.pdf>.

<sup>185</sup> In 2008, the average monthly rockets and mortar shells fired into Israel from the Gaza Strip was following: January to May: 406, from 1 – 18 June: 237, 18 – 30 June: 8, July – October: 7, November: 193, December: 602. See Israeli MFA, “Statistics of Kassam rocket and mortar fire from the Gaza Strip”.

<sup>186</sup> International Crisis Group (ICG), “New Policy Briefing, Ending the War in Gaza”, at <http://www.peacengo.org/article.asp?ID=269>.



the conflict by accepting a hudna. It is also true when it comes to Hamas' use of violence against Israeli targets. Violence has not only been initiated due to fundamentalist beliefs that it is the 'right' thing to do, but more often so because of unfolding events in a changing socio-political environment. A retribution policy – use of violence following Israeli aggression – has been important in such regard. This was the case following the movement's decision to strike against Israeli civilians after the 1994 'Hebron Massacre', as well as after the Israeli construction of the Har Homa settlement and Israeli assassinations of Hamas leaders. Also the use of violence before the Israeli election in 1996 can be interpreted as a proof of pragmatic thinking and not just of fundamentalist reasoning.

Even if such an argument is 'apologetic' in the sense that Hamas takes advantages of unfolding events to its benefit – e.g. to undermine the peace process – this does not discredit the argument itself. One might call such an approach cynical and misleading, but not fundamentalist in terms of basing one's thinking and actions only on doctrines. Rather it reflects both an understanding of the socio-political environment one exists in, and an understanding and a willingness to adjust to it.

Second, and equally true in terms of reflecting pragmatism over fundamentalism, is visible in Hamas' relations to its Palestinian secular counterparts. Although opposing the PLO's role in the peace process, Hamas also acted not to undermine and embarrass the newly installed PA in the eyes of the Israelis and the international world. That was why Hamas, for instance, initiated a period of relative calm during the 1996 presidential and PLC elections, with no suicide attacks in Israel between August 1995 and January 1996. It was also due to a wish of national unity that Hamas initially wanted a unity government following the 2006 elections. On the other hand, Hamas' 'red lines' regarding Fatah and President Abbas' PA are also quite noticeable, not least as demonstrated in the violent internal battles between Hamas and Fatah supporters in the Gaza Strip in 2006 and 2007. It is also evident when it comes to Hamas' refusal to participate in the Oslo process. However, these 'red lines' are not only justified, on Hamas' behalf, by fundamentalist argumentation as in 'we do not accept Israel and therefore we do not accept the Peace Process'. Rather, Hamas uses secular arguments for example that it opposes Oslo due to the fact that Hamas does not acknowledge the PLO as the sole representative of the Palestinian people. As Hamas and other organizations were not consulted in the process to begin with, the peace process, therefore, does not reflect the will of the entire Palestinian people.

Further, when Oslo was deemed dead, Hamas did participate in the political realm. The fighting between Hamas and Fatah in the Gaza Strip is also justified in secular terms, and

not just religious terms, by arguing that Fatah did not respect the democratically elected representatives. And again, as with Hamas' relations with Israel and the peace process, even if Hamas is 'cynically' relating towards the secularists – e.g. in order to enhance public support – the approach itself can not be called purely fundamentalist guided by ideology and doctrine. If such was the case, then why argue at all, in secular terms even?

In the following chapters, by analysing Hamas' thoughts and actions regarding a future Palestinian state, I intend to underpin my argument that Hamas reflects flexibility and pragmatism over fundamentalism and radicalism.

## Chapter Four: Hamas' Philosophical Thoughts on Palestinian Statehood

The ideological origin of Hamas is clearly spelled out in Article One in the August 1988 Charter: “[...] Islam is its system. From Islam, it reaches for its ideology, fundamental percepts [sic], and view of life, the world and humanity” and in Article Two of the Charter, Hamas is recognized as a branch of the Muslim Brotherhood. Further, based on an understanding of Palestine as an Islamic trust, the only solution to liberate the land is through Jihad against Israel (Article Thirteen and Fifteen) in order to “raise the banner of Allah over every inch of Palestine” (Article Six) and establish an Islamic state in which the “Quran is its constitution” (Article Eight).<sup>187</sup> The major goals are, in other words, two-folded: the establishment of a Shari’a state on the ruins of the state of Israel. When talking about Hamas today in the Western world, it is usually these two goals, as well as Hamas’ violent tool of suicide operations to achieve them, which are mostly brought to mind.

In this chapter, I intend to discuss these two major goals in Hamas’ political thinking and practice; the first relating to Hamas’ notions on religion and statehood, the second regarding its relations with Israel. First, on a more structural level: What constitutes a Shari’a state for Hamas? In other words, what kind of state is it and how will it look like? What constitutes legitimacy and authority? Further, who are the citizens in a ‘Hamas state’? What rights do they have, etc.? Second, by examining Hamas’ second major goal – the annihilation of the state of Israel, I will discuss Hamas’ relations with the Jewish state and consequently Hamas’ notions on the two-state solution. I will argue that in the 1990s, Hamas downplayed its anti-Semitic and racist language on the Jewish state of Israel, so visible in the 1988 Hamas Charter. Instead Hamas’ rhetoric evolved into focussing on the Israeli occupation following the Six Day War. In this regard, the most important socio-economic contextual factor was the result of six days during the summer of 1967 and not the bloody events in May and June 1948.

The underlying purpose of this chapter is to argue that what signifies the issue of Palestinian statehood in the eyes of Hamas today is not what is most often perceived in the

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<sup>187</sup> All quotations are from the Hamas Charter, Appendix 2 in Hroub, *Hamas: Political Thought and Practice*, pp. 267 - 91.

Western world – that of a strict ‘*talibanian*’ state established on the graveyard of Israel.<sup>188</sup> Instead, Hamas’ notions on statehood, my argument goes, is signifying many aspects of Western understanding of democracy, and also of a willingness to compromise its stated goal of the destruction of Israel. As such, Hamas accepts, albeit not un-conditionally, a two-state solution to the conflict between the Palestinians and the Israelis.

Not much has been written on the more specific structures underlining Hamas’ political thoughts on Palestinian statehood. Indeed, many has outlined the general political thinking of Hamas in terms of its wish for the establishment of an Islamic state based on Shari’a, but few has attempted to reveal what such a Shari’a state actually implies. I.e., what constitutes an Islamic state for Hamas? This is clearly a field of study that needs to be examined further. One who has looked at these aspects of Hamas’ political philosophy is Jeroen Gunning who, basing himself on extensive interviewing with Hamas members, answers some of the above questions. This chapter relies chiefly on his work, discussed in chapter three of his book *Hamas in Politics: Democracy, Religion, Violence*, from 2007.<sup>189</sup>

### ***A Trias Politica***

Hamas is picturing an Islamic state in Palestine with powers divided between an executive branch, a legislative branch and a judicial branch. The judicial branch is to be independent of the executive and legislative branches. The legislative branch consists of a *shura* (consultative) council with elected legislators. It is the responsible of this council to form the executive branch - the government. This government, headed by a prime minister, may also include unelected experts and technocrats.<sup>190</sup>

The principal source of legislation would be Islamic Law. However, Hamas acknowledges that the Shari’a is mostly a general set of principles. Therefore, other legal systems, such as elements of Western legal traditions, as well as scientific knowledge would need to complement the Shari’a. Then again where Islamic law is quite specific, such as in penal codes, the Shari’a would be the central guide. It would, however, not become law until

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<sup>188</sup> See for instance Daniel Pipes, “Fundamentalist Muslims Between America and Russia”, *Foreign Affairs*, Vol. 64 (1986); Denis MacEoin, “Marching for Hamas”, in Middle East Forum, at <http://www.meforum.org/-2056/marching-for-hamas>; Yair Ettinger, “Bush: Hezbollah, Hamas, Al-Qaida are all the same”, in *Haaretz.com*, at <http://www.haaretz.com/hasen/spages/983468.html>; Ilan Marciano, “Bibi: Hamastan established before our eyes”, in *YnetNews.com*, at <http://www.ynetnews.com/articles/0,7340,L-3207079,00.html>.

<sup>189</sup> Gunning, *Hamas in Politics*, pp. 55 – 94.

<sup>190</sup> Gunning, *Hamas in Politics*, p. 57.

the shura council have legislated the ruling. It is therefore the elected legislative branch which has the ultimate authority on legislative issues.

In acknowledging the nature of man and the “corrupting influence of power”,<sup>191</sup> Hamas proposes certain measures to keep the system in check. One measure would be to hold regular elections to make sure that the legislators are being held accountable to the electorate. Another measure would be a moral code that Hamas wishes to establish among the legislators. Such a moral code would derive from religious sentiment, and should install a pride in the legislators in which they would wish to lead by example. Yet another measure is the expansion of political parties into a multi-party system.

There are two main components of decision making in Hamas’ political theory. The first is the already mentioned shura and the other is *ijma’* (consensus). Shura is so important for Hamas that the state it advocates is sometimes referred to as a ‘shura democracy’. Legitimate authority has to consult the people. For Hamas, an Islamic state has to be willed by the people in order for it to be truly Islamic. If forced into being, it ceases to be Islamic. Hamas argues for this by stating that in an Islamic state, freedom, equality, and justice are vital factors and that if an Islamic state was to be enforced, that would contradict all three principles.<sup>192</sup>

How then, does Hamas foresee that an Islamic state can be achieved? The answer to that is two-folded and consists of shura and through the process of education and socialisation, the Islamization process mentioned in earlier chapters. What is important for Hamas is that a decision is more likely to be correct if it is a product of consensus. However, what constitutes consensus in a community? The general interpretation within Islamic tradition has been that it reflects a community of religious scholars (*ulema*), but in that Hamas begs to differ. Instead, Hamas follows the interpretation of al-Shafi’I (767 – 820) who advocated that by community what is meant is the community at large.<sup>193</sup> However, as one can not expect that the whole of the community would deal with everyday aspects of government; this would instead befall an elected group of legislators, the shura council.

Everyone would have the right to vote; Muslims, Christians, Jews and Communists, men and women alike. Women, and non-Muslims, would also have the right to run for positions in the legislative and executive offices, but a woman would not be able to function as head of state, which, according to Hamas, is a position women are not physically fit to

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<sup>191</sup> Ibid., p. 58.

<sup>192</sup> Ibid., p. 60. See also Are Hovednak, “Hamas in transition: the failure of sanctions”, *Democratization*, Vol. 16, No. 1, pp. 63-5 for a discussion on Islam, Hamas, and the compatibility with democracy.

<sup>193</sup> Ibid., p. 61.

undertake.<sup>194</sup> And since a head of state would have to represent everyone in the state in which the majority is Muslim, a head of state would have to defend the Islamic nature of the state and hence would need to be a Muslim.<sup>195</sup>

## **Hamas' Double Contract**

How can one argue for free will as represented by the right of the people to select their leaders and at the same time advocate for an Islamization process by “creating the right conditions for people to voluntarily will this state”<sup>196</sup>? The latter would surely contradict the first, would it not? For Hamas, there is no contradiction. They justify this “in the form of a dual contract: one between the people and their representatives (safeguarding free will), and one between the people and God (safeguarding divine design).”<sup>197</sup> To better grasp this, one need to understand Hamas' interpretation of humanity's purpose, which is to be God's representatives on earth. As Sheikh Yassin stated:

God has created the human being and provided him with a brain, thus increasing his value above that of other creatures,...so that he can be vicegerent [*khalifah*] of God on earth. God has made him a *waqil* [authorized agent] to do his work – just as a merchant appoints a trustee to do his business I a different country.<sup>198</sup>

However, being an agent would imply free will as “people who are part of this state can say and believe in whatever they wish; they can practice their personal beliefs in any way they want, socially or politically.”<sup>199</sup> Yet, in parallel with this, and as an agent of God, man also has obligations to his creator. Therefore, being free means both being able to do as one pleases and, at the same time, submit one self to God. Although possibly contradicting to most readers, for Hamas there is no contradiction: As God has created man, submitting one self to his will means “acting in accordance with one's higher nature.”<sup>200</sup> In this, Hamas relies heavily on Sayyed Qutb who explained that: “He Who has created the universe [...] has also prescribed a Shari'ah for [man's] voluntary actions. If man follows this law, then his life is in harmony with his own nature. [...] Only [through obedience to the Shari'ah] does man's

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<sup>194</sup> Ibid., p. 62.

<sup>195</sup> Ibid., p. 62.

<sup>196</sup> Ibid., p. 60.

<sup>197</sup> Ibid., p. 63.

<sup>198</sup> Ibid.

<sup>199</sup> Yahya Musa, in Ibid., p. 64.

<sup>200</sup> Ibid.

personality, internal and external, become integrated.”<sup>201</sup> Put differently; by being God’s agent man is fulfilling his destiny. As such, man is free. How then, can one juxtapose free will in society at large? Hamas answers this by arguing that only a state based on divine law will preserve freedom for the society:

The human being is born free. But when human-made systems come into existence, in many cases these systems exploit and subjugate the human being. Revelation and religion [a cultural framework, not a personal and private belief] have come to preserve this freedom and to protect [him] against enslavement by human-made systems.<sup>202</sup>

The tensions between free will and submission to God, and between freedom from enslavement and submission to the Shari’a merge together in Hamas’ dual contract; one part divine and one part social. The divine part of the contract is to make sure that people act in accordance with God’s laws. Only in a system based on God’s laws will the right balance between individual and communal needs, between individual and social harmony, and between freedom and equality be met. However, Hamas’ political theory does not end here. If it did, it would echo a system of theocracy, or rather of *nomocracy*– the rule of (divine) law.<sup>203</sup> Instead, Hamas argues that a leader’s obligations are just as much directed towards the people as they are towards God. As everyone is an agent of God, no one has the right to govern over anyone else. Therefore, one can not impose a system on anyone against their own will. That would constitute tyranny. Instead the ruler needs consent by the ruled and it is here where the social contract plays its part. Basing their thinking on Hassan al- Banna, Hamas says that the social contract is a “temporary transferral of sovereignty from those of God’s agents who agree to be ruled, to those of God’s agents they consent to be ruled by.”<sup>204</sup> In such a contract, the ruled remain free because they have, through their free will, agreed to be governed. Further, those who govern do so as representatives for the nation and have, as such, representative authority, and not religious authority.

The social and divine parts of the dual contract are reliant on each other. Without a social contract those who govern would be nothing but despots and dictators. However, without a divine contract, the agreement would negate God’s sovereignty:

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<sup>201</sup> Sayyed Qutb, cited in Ibid.

<sup>202</sup> Sheikh Ahmed Yassin, in Ibid., p. 65.

<sup>203</sup> Ibid., p. 66.

<sup>204</sup> Ibid.

It may guarantee that the governed remain free from tyranny in the sense that they have elected those who govern them. But by itself, it does not guarantee that the government governs according to God's laws, thus negating one fundamental aspect of freedom, as Hamas sees it: only in a system governed by God's laws will humanity have the freedom to live in harmony with intended purpose, and strike the right balance between individual and communal needs, freedom and equality.<sup>205</sup>

Sovereignty is, as such, neither entirely God's nor solely belonging to the people. In Hamas' political system, citizens have the power to elect their representatives and God has the sovereignty regarding moral and the principles on which legislation is based. As such, one could argue that Hamas' political system is neither a democracy, nor a theocracy, but a combination of both.

### Sources for Hamas' Political Thoughts

Hamas rely on both Islamic traditions and interpretations and on aspects of western political theories in their thinking of the dual contract. Originally, the Indian Islamist Mawdudi, in examining Sura 24:55<sup>206</sup> developed an Islamist contractual theory. That Hamas relies on Mawdudi's interpretation is a point which deserves mentioning. The classical Islamic view is that the legislative power should rest with religio-legal experts (*mujtahidun*) and not with the people, and for Qutb, one of the most influential figures in Hamas' mother organization, there was not even need for legislature as, for him, the Shari'a was complete. These views are today shared by groups such as *al-Qa'ida* and it is noteworthy that Hamas differs from them in respect of authority and representation.

Despite the reliance on Mawdudi, Hamas also differs from him in some important ways. First, for Mawdudi, the notion of a vicegerent should be understood as a gift from God. For Hamas, to govern is not only a gift but also a right, and with rights follows obligations. Second, in Mawdudi's work, the gift to rule has only been employed to Muslims. Hamas, on the other hand, extends the right to rule to include Christians, Jews and even atheists.<sup>207</sup> Third, Hamas places more trust in the common people. While agreeing with Mawdudi that

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<sup>205</sup> Ibid., pp. 67-8.

<sup>206</sup> Sura 24, Verse 55, "Allah has promised to those of you who believe and do good that He will most certainly make them rulers in the earth [...]", *Holy Qur'an*, English trans., M.H. Shakir, (Qum: Ansariyan Publications), p. 341.

<sup>207</sup> Gunning, *Hamas in Politics*, p. 69.



people are easily misled, Hamas nevertheless disagrees with Mawdudi's notion of an enlightened ruler "to save the common people from their own mistakes."<sup>208</sup>

Drawing on the experience of the Muslim Brotherhood, Hamas has also studied Western political thinking, something that becomes clear when analysing Hamas' notion of a dual contract. In particular John Locke (1632-1704) is important. Locke insisted that in a 'natural state' humans are "by nature, all free, equal and independent"<sup>209</sup> and that this freedom can only maintain if the individual is "under no other legislative power, but that established, by consent."<sup>210</sup> However, Locke, as Hamas, argues that authority is legitimate only within the context of God's law since God has given the world to man. From this follows that freedom is not the right for every man to do what he wants, but instead to learn to choose the "greater good" by way of his/her reason. For Locke, as for Hamas, there are thus two sources for political authority, one divine and one contractual, and he tackles the inherent tension between these two sources in much the same manner as Hamas. Locke argues that because:

[n]atural law cannot command political obligation, for lack of both political and specificity, it needs human agents to turn it into codified law and enforce it. For this, consent is needed. Yet, because consent does not have the authority to contradict natural law, it must always operate within the framework of natural law.<sup>211</sup>

Western political influence can also be seen in the way Hamas is interpreting Islamic tradition and sources. The sources, the Qur'an and the *hadith* (the Prophet's oral traditions) are for instance lacking in clarity with regards to who should be consulted, and whether the consultation should be binding or not. And neither is it anywhere in the sources stipulated that consultation should mean national wide elections. Yet, these are issues that Hamas is discussing. The traditional aspect of *ijtihad* or scholarly interpretation has also been reshaped from the understanding of responsibility and authority trusted with religious scholars to describe the practice of elected legislators, whose authority stems from their popular mandate, and not from their religio-legal knowledge. Hamas has further re-interpreted the notion of *ijma'* or consensus. While the traditional view on *ijma'* was a process where religious scholars

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<sup>208</sup> Abul A'la Mawdudi, in *Ibid.*, p. 69.

<sup>209</sup> John Locke and P. Laslett, in *Ibid.*, p. 70.

<sup>210</sup> *Ibid.*

<sup>211</sup> *Ibid.*, p. 71.

turned a legal interpretation into law, Hamas holds that this is the responsibility of the elected shura council.

## **Hamas' Criticism of Western Democracies**

In the political thinking of Hamas, the popular will can not be left unrestrained. If so, it would undermine freedom. To better understand what Hamas means by this let us look at its criticism of Western democracies as well as of its main rival on the Palestinian stage, the secular Fatah party. For Hamas, there are two particular threats stemming from secular democracies that are damaging to their concept of freedom. The first comes from powerful interest groups, the second from the misguided masses. Even though everyone is an agent of God, powerful groups can easily persuade ignorant people. Further, the masses' ability to rightly choose is also questioned; what if the people elect bad leaders? This is especially a risk when powerful groups are trying to manipulate the democratic process, thereby making it a democracy only for the strong, rich and powerful. Hamas claims this is precisely what is happening in Western democracies and what has happened with the Fatah-led Palestinian Authority.

Hamas, on the other hand, states it has diminished the threats against freedom through its double contract system. As the social contract serves to protect freedom, equality and accountability, the divine contract makes sure that the law is just and that the weak is protected against manipulation from the strong. It does so by installing in society a point of moral and legal reference:

It is to be expected that the Head of State or the government can become corrupted. But there are various 'security valves'. The first of these is the fear of God. A leader must be pious and must understand that he will be held accountable before God – that, if he deviates from the just path, his destiny will be hell-fire. That fate should be rejected by any sane person.<sup>212</sup>

## **Law and Legislature**

An important consequence of Hamas' thoughts on the dual contract is visible in the process of legislation. Here, Hamas makes a sharp distinction between the Shari'a and codified law. Shari'a law is, for Hamas, a set of general principles and codified law is the law that has been passed in legislature. With Hamas' insistence on consent, God's law is not legislated law, and

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<sup>212</sup> Sheikh Ahmed Yassin, in *Ibid.*, p. 76.

therefore not legally binding. For a law to be legally binding, it has to pass through a legislature process among elected legislators. However, there are some exceptions to this. In terms of the *hudud*, the revealed penal laws, and to some extent family law, the Shari'a is quite specific. Consent, therefore, becomes of less importance. But even here, where God's law is quite clear, does consent play a part as it is still needed to legitimate the process and to ensure that the hudud is not implemented prematurely. In theory, therefore, in Hamas' Islamic state, man has veto over God's law.<sup>213</sup>

Hamas interpretation of revealed law vs. legislated law may seem to have created another contradiction. If consent is needed to legitimize the word of God, would that not compromise a *secular* argument? Well, not according to Hamas. As an example, let us look at the religious injunction to wear *hijab* (headscarf) that Hamas argues for. For Hamas, women should wear hijab, not only because of God's law, but also with reference to the headscarf's usefulness in society. As the hijab helps the woman to more freely operate in a male-dominated society, it is therefore beneficial to society at large, Hamas argues. For Hamas therefore, there is no contradiction. Although usefulness is a fundamental goal in Islam, it is not the primary reason for obeying hudud. And although Islamic teaching is based on usefulness, a Muslim's duty is first and foremost to obey, regardless of the command being useful or not. Man still need to practice commands out of obedience to God, otherwise society will forget God. Nevertheless, it still seems that this interpretation on authority is placing man above the word of God. As Jeroen Gunning notes: "Once utility is used to justify a religious imperative in the context of gaining a popular mandate, whether or not the argument is persuasive to the electorate becomes more important than whether the argument is divinely ordained."<sup>214</sup>

Where God's revealed words are not so specific, consent and consultation becomes even more important. And since the Qur'an's dealings with legal matters are rather scarce,<sup>215</sup> man's dealings and interpretations in legal matters becomes particular plentiful. But acknowledging that man could be to ignorant and/or easily misled to differentiate between right and wrong, Hamas understands the necessity in establishing the right balance between expertise and popular mandate.

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<sup>213</sup> See Ibid., pp. 77-80.

<sup>214</sup> Ibid., p. 80.

<sup>215</sup> Of the around 6,000 verses in the Qur'an only around 600 concern legal matters and only 350 are considered to be 'legal verses'. Ibid

## Authority: Representative or Religio-Legal?

The dual contract appeals to two types of authority; one represented by the people, the other represented by God through revelation. Representative authority derives from the notion that every human being is an agent of God, and as such a source of wisdom. The religio-legal authority derives from expertise and knowledge.<sup>216</sup> Notwithstanding that Hamas is saying that authority stems from popular mandate, it also states that legislators should be familiar with the Shari'a and work within God's law. On the other hand, Hamas differs from the traditional Islamic view which states that legislators have to be religious scholars. Hamas disagrees, placing representative authority above religio-legal authority by saying that the trust of the people is the most important characteristic for a legislator:

Elections bring up individuals who the people themselves want. Thus the people decide who should be in the *majlis al-shura* [Shura Council]. It is not necessary that his person should be a *mujtahid*... Those who are elected by the people [...] should be in this position and they should be representing the majority of the people.<sup>217</sup>

Further, in mirroring Islamism in general, Hamas agrees that one can not separate religion and politics as the Shari'a fuses these two elements together. However, in reality, Hamas recognizes, "*de facto*, that the 'religious' and the political realms are different."<sup>218</sup> As such, religious authority does not imply political authority and *vice versa*.

Again, there seem to be a contradiction. On the one hand, Hamas is saying that representative authority is above religio-legal authority. On the other hand, one also needs to be trained in religious law to become a legislator, or how else could one expect the legislators to rule in accordance with God's principles? Hamas does not give a clear answer on this but tries to tackle this discrepancy by proposing that in an Islamic state one also needs a group of different experts to consult. However, these technocrats would be elected by the legislators and would only be able to guide the shura council who in the end would have the final say.

## Liberty: 'Positive' versus 'Negative'

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<sup>216</sup> Ibid., p. 81.

<sup>217</sup> Sheikh Ahmed Yassin, in Ibid., p. 82.

<sup>218</sup> Ibid., p. 83.

A contradiction that needs further probing is between the notions of individual freedom and pious behaviour by following God's principles. On the one hand, Hamas is saying that freedom means that man can "say and believe in whatever they wish"<sup>219</sup>. This is what philosopher Isaiah Berlin (1909 – 97) called a 'negative' notion of liberty. On the other hand, Hamas is also saying that freedom is only obtainable through obedience to God, as freedom is to realize one's higher destiny.<sup>220</sup> This corresponds with what Berlin called a 'positive' form of liberty, in which he argued that positive freedom has often been used to cover up abuse, leading to the curtailment of people's negative liberties in the people's best self-interest.<sup>221</sup>

The inherent contradiction in Hamas' discussion on freedom reveals itself in several forms. First, it is revealing in Hamas' defence of individual rights and at the same time subjecting these to one version of community, that of Islam. Second, it appears in Hamas insisting that laws have a popular mandate, and, at the same time, that they are God's laws. Third, and possibly most importantly, the contradiction is revealing in Hamas' approach in establishing an Islamic state. On the one hand, Hamas says it would accept the decision of the people. On the other, Hamas is continuing the Muslim Brotherhood's socialisation approach by educating the people into wanting an Islamic state. Here, Hamas reflects German philosopher G.W.F. Hegel (1770 – 1831), who claimed that only in a state composed according to a universal or divine will, will man come into "possession of their ...own inner universality"<sup>222</sup> and as such become free. True freedom, therefore, to both Hamas and to Hegel, is "[to] know and will the universal ... [and] recognize it as [one's] own substantiate mind."<sup>223</sup>

Hamas' belief that man can only be truly free in an Islamic state affects the relationship between the individual and the state. Where, in a Western notion, the state's primary function is to protect its citizens, for Hamas the state's number one priority is about human fulfilment of their divine destiny. As such, "the Islamic state is trying to create the right legal and communal framework for both the individual and the community to discover and fulfil their divine destiny."<sup>224</sup> Hamas' state is about membership and participation with the 'right' attitude installed in the people, and consultations are part of this socialisation process. This 'positive' notion of freedom colours Hamas' thoughts on statehood when arguing that freedom is nevertheless guaranteed by the fact that the law is God's law. Those

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<sup>219</sup> Yahya Musa, in *Ibid.*, p. 85.

<sup>220</sup> *Ibid.*

<sup>221</sup> Isaiah Berlin, *Four Essays on Liberty*, (London and New York: Oxford University Press, 1969), pp. 122-34.

<sup>222</sup> G.W.F. Hegel, in Gunning, *Hamas in Politics*, pp. 85-6.

<sup>223</sup> *Ibid.*, p. 86.

<sup>224</sup> *Ibid.*

who disagree need only to be taught the truth in order for them to understand what is best for them. However, by insisting on consent in the establishment of an Islamic state, this notion of 'positive' freedom is kept in check by the 'negative' conception of freedom. The latter also informs Hamas that there should be a separate private sphere outside the Islamic state's reach. In this sphere, what you do and think are of no concern of the state, but a matter between the individual and God. Thus, "a Muslim drinking alcohol in his home is sinning but should be allowed to do so if he does not corrupt or harm society."<sup>225</sup> However, any public behaviour to undermine the Islamic character of the state, once legislated by the electorate, is forbidden.

### **To Establish an Islamic State in Palestine**

Getting rid of Israel will not in itself result in an Islamic state in its place. In order to actually create an Islamic state in Palestine, the Palestinian people will have to want the creation to occur. However, as the people do not know what is always best for them, religious education is needed for the people to embrace the benefits of an Islamic society. In such a theory of state building Hamas closely mirrors Hegel and his approach to statehood "and with it come the same types of accusations of harbouring totalitarian designs which Hegel is accused of."<sup>226</sup> Unlike Locke who argued for an ideal state stressing the individual rights of life, liberty and property at its centre, and which the Western notions on liberal democracy are based on, Hegel and Hamas, insists that "the ideal state can not be realised without a lengthy preparatory process during which structures and institutions are altered so as to socialise people into the type of citizens the ideal state needs to function."<sup>227</sup>

Hamas relies here also on Mawdudi who, by looking at the first Islamic umma argued that the prophet established an Islamic state in steps, by gradually creating practices and institutions which "would produce genuine Muslims capable of running an Islamic state according to the divine principles they had internalised."<sup>228</sup> Take the example of alcohol during Islam's early period for instance. It was not until the people themselves realised the negative effect alcohol had on man and society that prohibition against it became law.<sup>229</sup> Preparing society into realising that an Islamic state is the right option is not only about educating the people through Islamization. It is also necessary to establish the right socio-

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<sup>225</sup> 'Muhammed', in Ibid., p. 87.

<sup>226</sup> Ibid., p. 88.

<sup>227</sup> Ibid., p. 89.

<sup>228</sup> Ibid.

<sup>229</sup> Hamad Ghazi, in Ibid., p. 90.

economic conditions. Islamic ruling on theft, for instance, argues Hamas, only becomes valid when poverty does no longer exist. Only in a society where there is no need to steal, will the prohibition against theft become law. Thus, only in a society “where leaders subject themselves to the law, children are taught the values of religion, poverty is eradicated, and the moral environment offers no causes for deviation, like wines and drugs and places for corruption and inciting sexual desires [...] – can *shari’ah* law be implemented.”<sup>230</sup>

However, as seen before, creating an Islamic state is also a process in which consultation plays a vital part. A group decision is better than an individual decision. For Hamas therefore, the Islamization process is not contradicting to notions of liberty as becoming socialised into recognising the Shari’a as the right choice for governance, in it self means becoming free. As God is the creator of man, his laws are also part of man, and by acknowledging them man fulfils himself and becomes free. However, as Hamas plays so much importance on consultation, this process can not be forced upon the individual, or consequently upon society.

## Conclusion

By examining in more detail Hamas’ political thoughts we find elements which are compatible to Western political theories. These elements are particularly the notions of the divisions of power, popular will, the social contract and representative authority. In fact, for Hamas, the issues of political pluralism and division of power are not based on Western political philosophy, but instead reflect Islamic traditions.<sup>231</sup>

A Shari’a state for Hamas means a state with separate judicial, executive and legislative powers. It also means a state in which the people decide whom to rule, and a state in which all citizens have the right to vote. Notwithstanding its archaic notion on women and capabilities, Hamas’ view that women and non-Muslims can not serve as head of state are in fact not that conservative or radical. We have yet to see, for instance, a non-Christian or female head of state in the United States. Also, Hamas’ argument to why non-Muslims could not serve as head of state is not grounded in religious discourse, but rather in a somewhat ‘logical’ fashion, whether one agrees with it or not.

A state for Hamas further means a state which places legislative power over religious-political power. This differs from the traditional Islamic view, somehow inherent today in the

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<sup>230</sup> Ibid.

<sup>231</sup> Are Hovednak, “Hamas in transition: the failure of sanctions”, pp. 63-4.

examples of Iran's Supreme Leader, the *Taliban* and al-Qa'ida. This difference is also highly visible in Hamas' insistence on representative authority over religio-legal knowledge, which also holds true in cases where the Shari'a is quite specific. With its emphasises on the social contract, Hamas is also mirroring Western conceptions of democracy, including in terms of the people's right to revolt against an unjust ruler – in Hamas' thinking represented by the electorate's right to regularly elect representatives through a multi-party system.

However, there are several key differences between Hamas' political theory and the notions of Western liberal and constitutional democracies. The most important difference is arguably the emphasis Hamas is placing on the community and the ideal state. Here Hamas' draws more on Hegelian elements, for instance the ideas that freedom can only be found in a divinely ordained state, and that individuals need to be socialised in order for them to realise the 'true meaning' and as such become truly free. On the other hand, that Hamas insists that popular mandate is more important to the legislative process than religio-legal knowledge may be a hint that Hamas places not so much importance on religion in politics than perceived in the Western world.

This becomes even clearer when examining some recent documents representing Hamas' political thinking following its political participation in the January 2006 elections.



## Chapter Five: Hamas' Political Programs on Palestinian Governance

Hamas' participation in the 2004-2005 municipal and the 2006 parliamentary elections introduced it to the practical affairs of governance and challenged its political philosophy base. While the 1988 Hamas Charter is general and lacking in regards to the specifics of Palestinian statehood, Hamas' participation and surprise victory in the 2006 elections brought forward a set of new documents that guides us on this issue. These documents are: the electoral political platform of Hamas of autumn 2005; Hamas' draft proposal for a coalition government; and the cabinet platform presented by Hamas Prime Minister Isma'il Haniyeh on 27 March 2006. These documents have received little notice from Western media, pundits, and politicians, whom still refer to the 1988 Hamas Charter when describing the goals and ideological thoughts of the Islamist movement. This is unfortunate. The Hamas Charter was issued less than a year after the foundation of the movement, a foundation that came as we have seen as a consequence of the Intifada, "and when its [Hamas'] *raison d'être* was *armed* resistance to the occupation. Yet, when the election and postelection [sic] documents are compared with the Charter, it becomes clear that what is being promoted is a profoundly different organization."<sup>232</sup>

First, in conjunction with the above discussion on Hamas' political philosophy, these documents stipulate more specifically what constitutes a state for Hamas, and secondly, they inform us that Hamas of today has become much more pragmatic and moderate than the Hamas of the late 1980s and early 1990s. Not only is the religious discourse downplayed. Few references are also made in regard to the armed conflict with Israel, and where such references are made, the emphasis is on the occupation of Palestinian land in 1967 and not the creation of Israel in 1948.

In discussing these documents, I thus intend to argue that not only does the specifics of a 'Hamastan' stipulate a more 'democratic' version of a Shari'a state than usually perceived, but also that the documents in themselves reveals an understanding of a different socio-political situation, and, in such respect, a commitment to change.

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<sup>232</sup> Hroub, "A "New Hamas" Through Its New Documents", p. 7.

## The Change and Reform List's Electoral Platform

The electoral platform of the Change and Reform list from autumn 2005 consists of 17 articles and a section entitled '*our essential principles*' in addition to introductory and concluding remarks. Hamas uses the introduction section to justify their participation in the 2006 parliament elections. The justification is basically made in reference to the difficult situation for the Palestinian people and, although without actually mentioning Oslo explicitly in the introduction, the demise of the Oslo peace process justified the participation. This becomes clearer at the end of the document where it reads that "[t]he blessed Al-Aqsa Intifada has created new facts on the ground that have rendered the Oslo program a thing of the past and different parties, including the Zionist occupation, have already spoken about 'burying Oslo.'"<sup>233</sup>

In 'our essential principles', Hamas explains the core principles forming the organization's political program. As in the 1988 Charter, Islam is again listed as the movement's frame of reference (1). The other main principles are; Palestine is part of the Arab and Islamic land and owned by the Palestinian people (2); occupation should be resisted, including through armed struggle (3); the right of the Palestinian refugees to return (4); the right to a sovereign state with Jerusalem as its capital (5). The last two principles guiding Hamas are the priority of reinforcing the Palestinian national unity (6); and the issue of Palestinian prisoners (7).

The absence of militant language in the electoral platform is striking compared to the 'jihadist' rhetoric in the 1988 Charter, with only few references made in this regard. Further, in the only reference made to 'armed struggle', the emphasis is on the *right* to end the occupation, "using all means, *including* armed struggle"<sup>234</sup>, and not on militant objectives in themselves. Instead the electoral platform focuses on the domestic arena and not so much on the Israeli-Palestinian conflict. The emphasis is instead on corruption and reform of governance:

Political liberties, pluralism, the freedom to form political parties, resorting for arbitration to the ballot boxes and the peaceful alternation of power are

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<sup>233</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 293.

<sup>234</sup> Hroub, "A 'New Hamas' Through Its New Documents", p. 10.

considered the best framework for regulating Palestinian political activity and the guarantee for reform, combating corruption and building an advanced Palestinian civil society.<sup>235</sup>

In terms of legislative policies, the electoral platform stresses the three-divided separation of powers and calls for reform of the Judicial Supreme Council in which members should be elected by popular support and not by partisan considerations. Hamas also promises to work for a society with equality before the law and to provide security for all its citizens.

Apart from the broader pledges in regards to governance, the rest of the document focuses on Hamas' programming policies, for instance on its policies regarding shelter, environment, women, children and youth, etc. In light of the Islamization and socialization process, what is interesting with the electoral document is not only its lack of militant language but also of what could be called a non-emphasis on religious rhetoric. In addition to the references made to Islam in the introduction, the most conspicuous is at the end of the document:

When you stand before the ballot box, remember your responsibility when you meet the Almighty Allah. You are entrusted with your vote in choosing your representative to the legislative council.[...] So, make sure you make the right choice through which you aim to please your Lord and your Prophet peace be upon him [...] yes, make the right choice for your happiness and the happiness of your people, God willing.<sup>236</sup>

The only article which fully refers to Islam is article seven, '*In the Subject of Admonition and Guidance*', where all five points, dealing with the efficiency of imams, security interference in the religious apparatus, the *hajj* (pilgrimage to Mecca) and care for mosques, refer to Islam. In article four, entitled '*Legislative Policy and Judicial Reform*', the first of 13 points refers to Islamic Shari'a as the main source of legislation in a Palestinian state. However, the rest of the points do not mention Islam or the Shari'a, instead placing emphasises on separation of powers and judicial reform such as revitalizing the constitutional court. In article six, '*In Educational Policy*' only one of 19 points mentions Islam, when it is stated that "Islam is a comprehensive system that attends to all aspects of life" and it is therefore on Islam that the "philosophy of education in Palestine"<sup>237</sup> should be based. The other points regarding education centres around rules of mandatory education, development of

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<sup>235</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 276-7.

<sup>236</sup> Ibid., p. 294.

<sup>237</sup> Ibid., p. 282.

the curricula with a focus on humanities and languages, teaching and training of teachers, pupil numbers, private schools and construction of more schools. ‘*In Social Policy*’ (article eight), two of the 16 points refers to Islamic values as a source that helps preserve “social norms.”<sup>238</sup> This article also deals with issues, such as creating social support networks, women and child welfare, pensions and poverty. In article ten, entitled ‘*In the Questions of Women, Children and the Family*’, one out of eight points refer to Islam: “Shield women with Islamic education and through making them aware of their legitimate rights and affirm the women’s independent personality that is based on chastity, decency and observance.”<sup>239</sup> The rest of the points tackle women and children’s rights, also through the introduction of new regulations and programmes enhancing women’s role in society. The last article referring to Islam is article nine, ‘*In Cultural and Media Policy*’, covering issues as freedom of the press and the role of cultural institutions in the Palestinian society. None of its eight points refer to Islam explicitly. However, secular critics points to an underlying Islamic meaning in the text, most notably in point two: “Protect the citizens, especially growing young people, against corruption, Westernisation and intellectual invasion and combat cultural normalisation.”<sup>240</sup>

The remaining 11 articles – ‘*On Domestic Policy*’, ‘*In External Relations*’, ‘*In Administration Reform and Fighting Corruption*’, ‘*In Public Liberties and Citizen Rights*’, ‘*In the Issues of Youth*’, ‘*In Housing Policy*’, ‘*In Health Policy*’, ‘*In Agricultural Policy*’, ‘*In Economic, Fiscal and Monetary Policy*’, ‘*In Questions Pertaining to Labour and Labourers*’ and ‘*Transport and Passages*’ – make hardly no mention of Islam or religion at all. As socializing and Islamizing the public is an important tool in the wish for Shari’a statehood it is especially revealing that none of the 19 points in article one dealing with domestic policies mentions Islam. Only in points two and 18 are references made to Islam, but then in relation to the protection of “Islamic and Christian Palestinian holy cities” and in “[P]reserving Palestinian Islamic and Christian endowments.”<sup>241</sup> The other points tackle questions mostly centred on political and public liberties and national unity. Interesting is also the lack of Islamic references in the policies related to economy and monetary issues. Although introducing the article with verses from the Qur’an, one of which mentions the negative aspects of usury,<sup>242</sup> none of the 14 points explicitly mentions Islam or ‘Islamic economy’.

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<sup>238</sup> Hroub, “A “New Hamas” Through Its New Documents”, p. 13.

<sup>239</sup> Tamimi, *Hamas: Unwritten Chapters*, p. 286.

<sup>240</sup> Ibid., p. 285.

<sup>241</sup> Ibid., pp. 277-8.

<sup>242</sup> Ibid, p. 291.

Instead, the focus is on encouraging investment by creating an investment climate and on the need to establish an economy independent of Israel.

The Change and Reform electoral platform document informs us of a comprehensive, structured and detailed political thinking on governance. It also informs us of a dramatic change since Hamas' early days in the late 1980s and early 1990s. The two most visible characteristics from the 1988 Charter, the militant and the religious tone, as well as its anti-Semitic and racist language against the Zionist entity of Israel, has here been replaced by a language which could be found in most secular electoral programs<sup>243</sup>, and is according to Hamas scholar Khaled Hroub "closer to Fatah's outlook than to Hamas's founding principles."<sup>244</sup> The focus in the electoral document is not directed at the establishment of a Shari' state and the destruction of the state of Israel, but rests instead on domestic policies, reform and national unity in order to improve Palestinian living conditions.

## **The National Unity Government Proposal**

As already discussed, Hamas participated in the elections on a ballot promising to work for Palestinian national unity. Thus, after its surprise victory Hamas set forward to share power within the framework of a coalition government. In this, Hamas failed.<sup>245</sup> Fatah was never interested and instead hoped that Hamas would "dirty itself."<sup>246</sup> It refused to join in coalition with its Islamist rivals, claiming two main reasons for not doing so: Hamas' refusal to acknowledge the PLO as the sole legitimate representatives of the Palestinian people, and Hamas' refusal to acknowledge past Israeli-Palestinian agreements. Although failing to form a unity government, an examination of the draft proposal is nevertheless interesting in terms of Hamas political thinking, also because it does not differ much from the final Hamas cabinet platform later presented.

The document consists of an introduction and 39 articles. The introductory remarks centres around the question of the Palestinian people's rights for determination, free of occupation, and the creation of a Palestinian state with Jerusalem as its capital. In addition to mirroring many of the issues in the electoral platform, the unity proposal document

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<sup>243</sup> Cf. Flournoy, *Ideological & Behavioral Metamorphoses*, p. 39.

<sup>244</sup> Cf. "Enter Hamas: The Challenges of Political Integration", *International Crisis Group*, No. 49 (January 2006), p. i.

<sup>245</sup> The coalition governments formed in March 2007 was not based on Hamas' draft proposal, but on the March 2007 Mecca Agreement.

<sup>246</sup> Hroub, "A "New Hamas" Through Its New Documents", p. 15.

emphasises three other issues, issues who again differs greatly with Hamas as specified in its 1988 Charter.

Keeping in mind the international pressure on Hamas to recognize past agreements and resolutions on Palestine, the first issue relates to Hamas' relations with the international community. Article five, for instance, talks of "cooperating with the international community [to achieve] withdrawal from the lands occupied in 1967". In article nine, Hamas reassert that "the government will deal with the signed agreements with high responsibility" and article ten states that "the government will deal with the international resolutions with national responsibility."<sup>247</sup>

Although these pledges were not good enough guarantees for the international community, they nevertheless signify a change on Hamas' part, a change in which Hamas tries to balance support from international agencies and its own constituency. This again informs us of a pragmatic behaviour and of responsible governance on behalf of Hamas. That this presents a change is especially notable when compared to the 1988 Charter which reflect a rather naïve view on international affairs. Here "international initiatives and conferences [...] are a waste of time, a kind of child's play."<sup>248</sup> In Article 14 in the Charter, only three spheres central in the liberation of Palestine are identified; the Palestinian, Arab and Islamic circles.<sup>249</sup> The International realm is thus not important in the liberation of Palestine in the early days of the Islamic Resistance Movement.

The second issue relates to Hamas' relations to Fatah, or rather to the Fatah dominated PLO. As already mentioned, one of the reasons the draft unity proposal was unsuccessful was Hamas' refusal to recognize the PLO as the sole representative for the Palestinian people. This issue had been seriously debated since early 2005. However, Hamas was reluctant to join the PLO on the ground that it demanded that members to the PLO's National Council should be proportional represented as reflected by popular vote. This is also repeated in the draft unity proposal document where article eight states that "[t]he government reiterates what has been agreed upon in the Cairo dialogue of March 2005 between the Palestinian factions on the subject of the PLO, and emphasizes the need to speed up the measures required to that end."<sup>250</sup> Instead of refusing Fatah's demands to join the PLO on ideological and religious grounds Hamas uses democratic arguments against joining.

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<sup>247</sup> All quotations, Ibid., pp. 16-17.

<sup>248</sup> Hamas Charter, Article 13, 'Initiatives, Peace Solutions, and International Conferences', in Hroub, *Hamas: Political Thought and Practice*, p. 275.

<sup>249</sup> Article 14, 'The Three Circles', in Ibid, pp. 275-6.

<sup>250</sup> Hroub, "A "New Hamas" Through Its New Documents", p. 18.

Notwithstanding the early evolution of Hamas in which joining an outright secular organization as the PLO was something totally unheard of, Hamas' willingness to here join the PLO informs us again of its commitment to change, pragmatism and responsible political participation and governance.

The third major issue in the national unity proposal, that of Hamas relations to Israel and the notion of a two-state solution, will be examined in Chapter Seven.

### **Hamas' Cabinet Platform**

Arguably the most important of the new Hamas documents is the cabinet platform delivered by Prime Minister Haniyeh on 27 March 2006. Written after the collapse of the national unity government proposal, this document is unique in that it represents Hamas alone. The main goals in the cabinet platform, part from presenting the government agenda, was to address and assure different audiences: to the Palestinian people Hamas reassured its willingness to govern, to Fatah and other rivals its commitment and wish for cooperation, and to the international community and Hamas' Arab neighbours its commitment of responsible, trustworthy and moderate governance. Hamas relations with Israel and the international community will be dealt with in Chapter Seven. Here, I will concentrate on one of the issues at the core of Haniyeh's speech; that of the government political program.

The newly elected prime minister listed seven main challenges that formed the government agenda. They were: resisting the occupation, installing security against the lawfulness and anarchy prevailing in the territories, relieve the economic hardship, reform government and fight corruption, reform Palestinian organizations and institutions on a democratic basis, raise the status of the Palestine question at the Arab level, and enhance relations on both a regional and international level. Much has already been said regarding these issues, but others were emphasised by Haniyeh and therefore deserves additional discussion.

First, regarding the issue of citizenship, Hamas again reveal clear tendencies contradicting a neo-Orientalist theoretical understanding of Islamist thinking when declaring that "[W]e stress the need to reinforce the spirit of tolerance, cooperation, coexistence among

the Muslims, the Christians, and the Samaritans in the framework of citizenship that does not discriminate against any on the basis of religion or creed.”<sup>251</sup>

Another issue that was emphasized in Haniyeh’s speech was to plead to the international community not to punish the Palestinian people because of its democratic choice, and to lift the boycott against the PA already in place. As long as “the surrounding political conditions created by the [Israeli] occupation, prolonged closure and siege of cities have severely destroyed much of our infrastructure [...] aid and support from the international community [is badly needed].”<sup>252</sup>

At the end of his speech, Haniyeh uses a less diplomatic tone when addressing the U.S. and its role in the conflict:

The American administration, which has been preaching democracy and the respect of people’s choices, is called before all others to support the will and choice of the Palestinian people. Instead of threatening them with boycotts and cutting aid, it should fulfill its promises to help in the establishment of an independent Palestinian state with Jerusalem as its capital.<sup>253</sup>

However, Haniyeh’s choice of words reflects not the rhetoric of a fundamentalist Islamist movement when criticizing, as well as appealing to, the international community, but instead certifies Hamas’ democratic and pragmatic reasoning.

## Conclusion

In an analysis of these new Hamas documents, the dominant characteristic is not radicalism. Instead, these documents reveal pragmatism and change in the political thinking of Hamas, a statement all the more evident when comparing these documents with the 1988 Charter calling for a Shari’s state and the annihilation of Israel. In this regard, the diminishing use of the two most influential rhetoric tools in the 1988 Charter – the religious and the militant, are particularly striking. In terms of religious overtones, most of the Islamic references are either structurally informed; Quranic verses and hadith sayings are common also in secular

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<sup>251</sup> Ibid., p. 23. Samaritans is defined as a sister group of Judaism and claim to worship the true religion of the Israelites, predating the Jewish temple in Jerusalem. That its group is mentioned by Hamas, and not Judaism, is not surprising as Samaritans reside mainly near the West Bank town of Nablus, and has done so since long before the Israeli occupation in 1967.

<sup>252</sup> Ibid, p. 24.

<sup>253</sup> Ibid, p. 25.



discourses in the Muslim world – or generic; describing the nature of Palestinian society and in reference to the nationalist Palestinian cause.

In terms of militant rhetoric, the language of Hamas as revealed in these new documents also reflect very few tendencies to radical positions. This is particularly the case in Haniyeh's presentation of the cabinet platform, which seeks to address the future while referring to the resistance behaviour as something from the past:

Our people have shown all creativity in their resistance to the occupation and set an example of patience, sacrifice, and steadfastness. Their creativity will also, God willing, be displayed in building and construction and in reinforcing the democratic choice, something that, if it succeeds, will be a model to be followed by freedom fighters and noble people in the world.<sup>254</sup>

When resistance against Israel is pointed out, the underlining theme is always resistance against the occupation following the Six Day War and *not* resistance against the state of Israel itself. In other words, importance is placed on 1967 and not on 1948. Neither is the militant approach the only mean to resist occupation, but only one of several approaches.

This becomes even clearer when examining in more detail Hamas' relations with Israel.

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<sup>254</sup> Ibid.



## Chapter Six: Hamas and a Two-State Solution to the Israeli-Palestinian Conflict

Israel received international condemnation for disproportional use of force during operation Cast Lead. Israeli commentators usually replied to such criticism by asking their critics ‘what else can we do’, the underlining presumption being that “the fundamental goal of Hamas is the elimination of the state of Israel, and the institution of an Islamic state between the Jordan River and the Mediterranean.”<sup>255</sup> Their proof of Hamas’ goal was not only found in the 1988 Charter of the Islamist movement, but also in Hamas’ actions against Israeli targets, exemplified to its most extreme by its history of suicide bombings and rocket attacks. As summarized by Israeli President Shimon Peres: “We left Gaza completely. All the passages were open [...] we evacuated the settlements out of our free will, at a very high cost [...] so why are they [Hamas] firing?”<sup>256</sup>

This is not the place for a legal discussion over the status of the Gaza Strip after Israel’s disengagement, nor to speculate over the reasons behind the Israeli military operation – to “teach them [the Palestinian people] a lesson.”<sup>257</sup> Instead, I intend to argue that Hamas’ wish for Israeli annihilation is not as adamant and one-sided as usually perceived in Israel and the Western world, particularly when wearing the glasses of the neo-Orientalists. I intend to approach this argument by examining and discussing key elements of Hamas’ behaviour on the Israeli-Palestinian scene; the violent, the peaceful and the political.

### Pragmatic Violence

Stemming from Hamas’ notions of Palestine as an Islamic waqf (endowment), arguably the most notable aspect in the 1988 Charter is the emphasis on armed resistance. As Palestine is sacred land, it can never be bargained, divided or given away by man. Jihad against Israel, based on ideological grounds, thus became the feature mostly identified with the Islamist movement, an approach increasingly supported by the Palestinian people. This was especially the case in the late 1980s and early 1990s. However, in the 1990s, and especially following

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<sup>255</sup> “Histadrut Statement on the Situation in Southern Israel and Gaza”, (PDF-file) at [www.labourstart.org/israel/Histadrut\\_on\\_Gaza.pdf](http://www.labourstart.org/israel/Histadrut_on_Gaza.pdf).

<sup>256</sup> See “Intervju med Shimon Peres – Nyheter – NRK Nett-TV” (Peres Interview), NRK broadcasting, at <http://www1.nrk.no/nett-tv/nyheter/spill/verdi/89520>, and translated (Norwegian) version “NRKs intervju med Shimon Peres”, *miff.no*, at <http://www.miff.no/nyheter/2009/02/17NRKsIntervjuMedShimonPeres.htm>.

<sup>257</sup> See Peres Interview and Per Anders Madsen, “Fredsprisvinnerens falitt”, (‘The failure of the Nobel Peace Price Laureate’), *Aftenposten.no*, 16 January 2009 at <http://www.aftenposten.no/meninger/kommentatorer/-madsen/article2870252.ece>.

the signing of the Declaration of Principles in September 1993, things changed. For one thing, Hamas lost supporters to Fatah due to what seemed to be a step away from resistance and Intifada and towards Palestinian self-reliance. Further, the physical threat that the newly established Palestinian Authority security forces constituted, in addition to the Israeli adversary, meant that Hamas faced a tremendous challenge. As a consequence of this new socio-economic environment, Hamas' goals, as well as its means to achieve them, changed and evolved.

In terms of its relations with Israel this could be argued in light of Hamas' confinement of its military actions against Israeli targets. First, Hamas committed itself to launch attacks only against Israeli targets within 'occupied territory', referring to British Mandatory Palestine. In so doing, Hamas differed with PLO's strategies in the 1970s and 1980s, renowned for its international airplane hijackings and not least for the terrorist attack at Israeli athletes in the 1972 Munich Summer Olympics. Second, Hamas refrained initially from targeting Israeli civilians, a principle that Hamas stuck to for seven years. According to Khalid Mish'al, "it was the enemy that transformed our conflict into an open battle [...] when Israel broadened the conflict, we did as well."<sup>258</sup> Not until Baruch Goldstein opened fire at Muslim worshippers in Hebron in 1994 did Hamas target Israeli civilians. Again according to Mish'al, on several occasions, Hamas also suggested to Israel to "remove civilians on both sides as targets"<sup>259</sup>, a proposal Israel declined.<sup>260</sup>

Hamas' relations to its secular nationalist adversary, notably the Fatah dominated PLO, is another factor not ideologically grounded which is important in the understanding of Hamas' use of violence against Israel. As mentioned in Chapters Four and Five, Hamas is concerned with Palestinian national unity, and being the lesser player on the Palestinian arena when the PA established itself, this issue became even more important. The much stronger and larger security forces of the Palestinian Authority were a physical threat to Hamas, especially in light of Israel's demands that the PA strike against 'Islamist terrorism'.

However, the PA also faced a challenge in this regard, particularly if the peace process did not deliver on its promises and if the living conditions in the occupied Palestinian territories did not improve. Hamas, therefore, attempted to play a double role vis-à-vis the PA. On the one hand, as not to embarrass the PA, Hamas agreed in December 1995 not to attack Israeli targets inside, or from, PA controlled areas. This issue of not undermining the

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<sup>258</sup> Rabbani, "Mishal Interview, Part II", pp. 63, 65

<sup>259</sup> Ibid., p. 63.

<sup>260</sup> Cf. Hroub, *Hamas: Political Thought and Practice*, p. 246 and note 88 at same page referring to a Martyr 'Izzedin al-Qassam Brigades communiqué from 17 May 1994.

Palestinian Authority was also the underlining factor behind Hamas not claiming responsibility for some of its bombings in Israel, as was the case with two suicide operations in August and September 1997.<sup>261</sup> On the other hand, in terms of a political power-struggle with Fatah, by sabotaging the peace process Hamas was also trying to undermine the PA and the PLO.

Another important and parallel factor shaping its actions against Israel and the peace process is Hamas' relations with the Palestinian people. At times when Palestinian public support in favour of the peace process was large, aversion against suicide missions was equally ample.<sup>262</sup> Hamas could not ignore such sentiments among the Palestinian constituency. However, when the peace process stalled due to inefficiency or unwillingness on behalf of either Israel or the PA, or both, this "alleviated Hamas's concerns, rendering the use of violence less necessary."<sup>263</sup> For instance, following the election of the Netanyahu government in June 1996 Hamas did not retort to suicide bombings until the 21 March 1997 bombing in response to the Har Homa settlement construction.

Also personal motivations rather than movement strategy have been behind violent actions against Israeli targets. The earlier mentioned suicide bombing in Jerusalem on 19 August 2003 that resulted in the death of 22 Israelis was for example carried out in revenge of the Israeli assassination of an Islamic Jihad leader. Although this act of retribution was carried out by a Hamas member, it was not authorized by the Hamas leadership.<sup>264</sup> Other acts of violence against Israel have, on the other hand, been authorized and justified by Hamas precisely because of Israeli actions. This was the case following Israel's decision to allow construction of Har Homa. This retribution policy has by some also been contributed to the wave of suicide bombings in Israel in February and March 1996, conveniently corresponding with the Israeli election for prime minister and thought to sabotage the candidacy of Shimon Peres.<sup>265</sup> Others, however, claim that these attacks were initiated and accomplished by a Hamas splinter cell, operating primary out of personal revenge of 'Ayyash's killing.<sup>266</sup>

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<sup>261</sup> Cf. Mishal and Sela, *The Palestinian Hamas*, pp. 77-8.

<sup>262</sup> According to CPRS and JMCC, polls conducted in May to July 1997 indicated that a majority of the Palestinians supported the peace process in its early years while a majority likewise opposed Hamas' suicide bombings. See Gunning, *Hamas in Politics*, pp. 204-5.

<sup>263</sup> Mishal and Sela, *The Palestinian Hamas*, p. 77.

<sup>264</sup> Cf. Jeroen Gunning, "Peace with Hamas? The transforming potential of political participation", *International Affairs*, Vol. 80, No. 2 (2004), p. 242

<sup>265</sup> Cf. Mishal and Sela, *The Palestinian Hamas*, p. 75; Andrew Kydd and Barbara F. Walter, "Sabotaging the Peace: The Politics of Extremist Violence", *International Organization*, Vol. 56, No. 2 (Spring 2002), p. 263 – 4; Hroub, *Hamas: Political Thought and Practice*, p. 249; Jensen, *The Political Ideology of Hamas*, pp. 22-3.

<sup>266</sup> Cf. Gunning, "Peace with Hamas?", p. 242.

A final reason behind Hamas' attempts to sabotage the peace process that is not ideologically grounded is explained in the peace *process* itself. First, Hamas opposes that the PLO should be the sole representative of the Palestinian people. Keeping in mind Hamas' notions on shura and consensus this is not surprising. Neither should it be surprising considering that almost the entire PA leadership upon its establishment consisted of 'outside' members. These men had not experienced life under Israeli occupation but instead followed the ranks of the PLO in Amman, Beirut and Tunisia. Second, Hamas truly believes that the peace process, as stipulated by both the Oslo Accords and the Road Map, is not a solution for a just and genuine peace. For Hamas, the peace process represents an Israeli attempt of consolidating control of the occupied territories.<sup>267</sup> This attempt, Hamas argues, is verified by Israel creating 'facts on the ground', most notably the continued construction of Jewish settlements and roads in the West Bank, the Barrier and other closure obstacles hindering Palestinian movement. For Hamas, by agreeing to Oslo, Yasser Arafat and the PLO sold out the Palestinian cause. Violence should still be an option as it is needed as a bargaining tool with the Israelis:

If we stop military operations today, how will the [Palestinian] Authority exercise pressure on Israel so that it would abide by what it is required to do? In Cairo [in the lead-up to the 1996 elections], when the Authority asked us to stop military activity, we told them: okay, now you are negotiating with the enemy, what [leverage] will you have to force Israel to give you statehood and abide by its commitments...? ... When you negotiate for the final settlement, what cards will you have? If you stop resistance, there will be no pressure on Israel, and Israel without pressure does not give.<sup>268</sup>

Thus, Hamas use of violence against Israel is not only based on ideology and religious doctrine. It is more so based on an interpretation of the contextual surroundings and on Hamas' relations to its own constituency, to its Palestinian secular opponents, to Israel, and to the outside world. This was arguably most evident immediately prior to and following Hamas' participation in the 2006 parliamentary elections. The victorious outcome for Hamas moved the Islamist movement from a movement in opposition to a political movement in power. At such it would also be held accountable for the well-being of the Palestinians. Hamas, therefore, needed to tread more lightly in terms of its militant stance against Israel, a fact witnessed by the period of calm initiated in the autumn of 2004, re-endorsed in the Cairo

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<sup>267</sup> Rabbani, "Mishal Interview, Part II", pp. 69-70. Cf. also Hroub, *Hamas: Political Thought and Practice*, p. 305; Gunning, *Hamas in Politics*, p. 203.

<sup>268</sup> Khalid Mishal in Gunning, *Hamas in Politics*, p. 203.

Agreement of March 2005 and lasting until 9 June 2006 when Israeli artillery shells killed seven Palestinians at the beach in the northern Gaza Strip.

## Pragmatic Peace

“There is no solution to the Palestinian problem except by jihad.”<sup>269</sup> Such reads the 1988 Hamas Charter. It would therefore seem that Hamas would reject any peaceful resolution to the Israeli-Palestinian conflict. The Charter’s anti-Semitic and racist language, as well as the distrust of the international (Western) community it portrays, likewise indicated that Hamas paid tribute first and foremost to religious ideology and doctrine. And yet, during the first years of its existence Hamas tried to move away from placing the conflict in a religious discourse. Instead Hamas’ views of Israel evolved to differentiate between Judaism as a religion and Zionism as a political movement:

The non-Zionist Jew is one who belongs to the Jewish faith [...] and takes no part in aggressive actions against our land and our *umma*. The Zionist, on the other hand, is one who embraces the aggressive Jewish ideology and becomes an instrument for the realization of those ideas on our land and against our *umma* [...]<sup>270</sup>

Notwithstanding Hamas’ use of violence against Israeli targets discussed above, the Islamist organization has also, ever since its first days of existence, advocated for an ‘interim solution’ to the conflict. This temporary solution would be a first step towards Hamas’ goal of a ‘historic solution’ in which the whole land of Palestine, from the Mediterranean Sea to the Jordan River, is liberated. As early as in 1988, just months after the formation of the movement, Hamas leader Mahmoud al-Zahar (b. 1945) met with Israeli Labour leader Shimon Peres. In this secret meeting al-Zahar proposed to Peres an outline of “Hamas’ ideas on an interim solution that included addressing the issue of a ceasefire.”<sup>271</sup> The conditions placed by al-Zahar upon such a solution were: A withdrawal and dismantlement of Israeli forces and settlements from areas occupied in the Six Day War of 1967, including from East Jerusalem; the occupied territories would be placed under United Nations custody; the Palestinian people would name their own representatives for peace talks; and at a time of

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<sup>269</sup> Hamas Charter, Article 13, in Hroub, *Hamas: Political Thought and Practice*, pp. 274-5.

<sup>270</sup> Hamas leadership interview cited in *Ibid.*, p. 51.

<sup>271</sup> Beverly Milton-Edwards and Alastair Crooke, “Waving, Not Drowning: Strategic Dimensions of Ceasefires and Islamic Movements”, *Security Dialogue*, Vol. 35, No. 3 (2004), p. 299.

mutual agreement, negotiations between Israel and the Palestinian representatives would commence.

Over time, Hamas has repeatedly offered solutions in similar wordings. For instance, in January 1993, Hamas stated that it would accept a peaceful solution to the conflict with Israel if Israel returned to the Green Line.<sup>272</sup> This was also echoed in Sheikh Yassin's statements on the issue in the 1990s when he offered a truce to last from 10 to 50 years if Israel ceased its attacks on Palestinians and withdrew from the territories occupied in 1967 and allowed free elections for Palestinians to take place.<sup>273</sup> The elected Palestinians would then commence in negotiations with Israel to find a solution to the conflict. This truce, or *hudna*, could therefore allow Hamas to put aside the 'historical solution', and ultimately "allow the 'interim solution' to become *the* solution."<sup>274</sup>

Hamas has over the years also committed itself to another type of truce with Israel. Compared to the *hudna* which is a long-term truce, the *tahdi'ya* or 'period of calm' is more a temporary suspension of attacks for a short period of time. It can either be implemented unilaterally or in agreement with other parties. Historically these periods of calm have been implemented at times when Hamas was weak or under heavy scrutiny from Israel or the PA.<sup>275</sup> However, they have also been employed as a consequence of reacting to Palestinian public opinion and in preparation for its participation in Palestinian political life. The unilateral ceasefire of June 2003 by the militant Palestinian factions, for instance, was seen as a breakthrough in the peace process and "offered a glimmer of hope for all parties involved in conflict resolution and security efforts in the Middle East."<sup>276</sup> By announcing this *tahdi'ya*, Hamas agreed to the first demand of the Road Map for peace – to cease its acts of violence against Israeli targets. The outcome, as already mentioned, resulted in nothing. After six weeks, the truce collapsed with Israel assassinating the Islamic Jihad leader followed by a Hamas suicide bombing in Jerusalem. Hamas has always maintained that a truce could only be short-lived unless it was followed up by Israeli measures signifying a progress towards a credible Palestinian state. Israel, on the other hand, seemed more satisfied with creating its

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<sup>272</sup> Cf. Hroub, *Hamas: Political Thought and Practice*, p. 75.

<sup>273</sup> Milton-Edwards and Crooke, "Waving, Not Drowning", p. 299.

<sup>274</sup> *Ibid.*, p. 300.

<sup>275</sup> Cf. Haim Malka, "Forcing Choices: Testing the Transformation of Hamas", *The Washington Quarterly*, Vol. 28, No. 4 (Autumn 2005), p. 41; Steven Simon and Jonathan Stevenson, "Confronting Hamas", *National Interest*, no. 74 (Winter 2003/04), electronic version, Free Online Article, at <http://www.thefreelibrary.com/-Confronting+Hamas-a0112411719>.

<sup>276</sup> Milton-Edwards and Crooke, "Waving, Not Drowning", p. 296.



own way forward, a unilateralism that “paved the way for the assassinations of Shaykh Yassin and Abd al-Aziz al-Rantisi in spring 2004.”<sup>277</sup>

Despite such setbacks, Hamas offers and commitments to both a hudna and tahdi'ya with Israel continued. The tahdi'ya agreement reached in Cairo in 2005 is one example. In it, Hamas vowed for the first time that it would participate in institutions that resulted from the Oslo Process. The hudna offer proclaimed by Prime Minister Haniyeh in January 2007 is another example.<sup>278</sup> The Israeli and American view, however, was still that Hamas was a terrorist entity and therefore they did not trust the movement's commitment to the truce: “Hamas had said in the past it wanted to wipe Israel from the map and there was no indication it had changed its position.”<sup>279</sup> Such a viewpoint was also evident, at least implicitly, in the Israeli withholding of PA tax revenues and the Western boycott of Hamas following the January 2006 parliamentary elections.

However, and in light of the discussion of the new Hamas documents, the downplaying of militant and religious discourse and the nearly absence of references to 1948, demonstrates that Hamas of today is first and foremost occupied with the Israeli withdrawal from areas occupied in 1967. Only in regards to the right of return for the refugees does the new Hamas documents refer to 1948 and historic Palestine. The emphasis is instead on the right to end the occupation. As a member of Hamas' shura council put it:

We should negotiate with Israel since that is the power that usurped our rights. If negotiations fail, we will call on the world to intervene. If this fails, we will go back to resistance. But if Israel were to agree with our internationally recognized rights – including the refugees' right of return – the Shura Council would seriously consider recognizing Israel in the interest of world peace.<sup>280</sup>

## Pragmatic Politics

As we saw in Chapter Three, Hamas participated and won several important locations in the different rounds of municipal elections held from late 2004 to late 2005. As a consequence

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<sup>277</sup> Beverly Milton-Edwards and Alastair Crooke, “Elusive Ingredient: Hamas and the Peace Process”, *Journal of Palestine Studies*, Vol. 33, No. 4 (Summer 2004), p. 46.

<sup>278</sup> See Archives Breaking News, “Hamas offers truce deal over Palestine” at <http://archives.tcm.ie/-breakingnews/2007/01/20/story294323.asp>.

<sup>279</sup> Israeli Foreign Ministry spokesman Mark Regev in Avi Issacharoff, “Hamas denies Meshal said group would consider recognizing Israel”, in *Haaretz.com*, at <http://www.haaretz.com/hasen/spages/811997.html>.

<sup>280</sup> Sheikh Ahmad Hajj, in Graham Usher, “The New Hamas: Between Resistance and Participation”, *Middle East Report Online*, 21 August 2005 at <http://www.merip.org/mero/mero082105.html>.

Hamas also had to deal with Israeli authorities. Although not officially acknowledging such ‘cooperation’ Hamas nevertheless dealt with the occupying force in mundane affairs. Then, with Haniyeh’s presentation of the cabinet platform in March 2006, Hamas took an important step forward in terms of its relations with Israel: “The government and relevant ministries will take into consideration the interests and needs of our people and the mechanisms of daily life, thus dictating necessary contacts with the occupation in all mundane affairs: business, trade, health, and labour.”<sup>281</sup> Although stopping short of actual official recognition, what this signifies is a *de facto* recognition of the existence of the state of Israel: “Israel is there, it is part of the United Nations and we do not deny its existence. But we still have rights and land there which have been usurped and until these matters are dealt with we will withhold our recognition.”<sup>282</sup>

Another practical concession in Hamas’ dealing with Israel was its agreement to allow President Abbas conduct negotiations with Israel. Abbas is one of the chief architects and supporter of the Oslo Accords and thus fully endorses the two-state solution. He also renounces violence and accepts past agreements. That Hamas allows Abbas to represent the Hamas-led government in direct peace talks with Israel, bringing such sentiments on the negotiating table, means in practical terms that Hamas’ views reflect the same opinions. Such a concession becomes even clearer when looking at Haniyeh’s presentation of the cabinet platform in which he explicitly promises to deal with the signed agreements on the Israeli-Palestinian conflict.<sup>283</sup> Other practical indications of concessions in Hamas’ relations with Israel are; the Hamas cabinet platform’s endorsement of the 2002 Arab League summit, which called for Arab normalization with Israel in exchange for Israeli withdrawal to the Green Line; Hamas’ agreement to the ‘Prisoners Document’ in May and June 2006; and Hamas’ participation in the national unity government of March 2007, which was formed on the basis of respecting past agreements between the PLO and Israel.

These concessions all point towards an understanding of a changing and evolving Hamas, an organization distancing itself from the content of the original 1988 Charter. However, the fact remains that also a plentiful of contradicting statements are being uttered. Following a Reuter interview with Khaled Mish’al, for instance, in which Hamas’ top leader was quoted saying that Hamas would consider recognizing Israel once a Palestinian state was

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<sup>281</sup> Hroub, “A “New Hamas” Through Its New Documents”, p. 22.

<sup>282</sup> Palestinian PM Adviser, Ahmed Yusuf in Conal Urquhart, “Hamas official accepts Israel but stops short of recognition”, *The Guardian*, at <http://www.guardian.co.uk/world/2007/jan/11/israel>.

<sup>283</sup> Cf. Flournoy Swiney, *Ideological & Behavioral Metamorphoses*, p. 80.

established<sup>284</sup>, other Hamas leaders were quick to reply that Hamas would never recognize Israel. As stated by Premier Haniyeh: “we [the Hamas-led government] accept a Palestinian state on the lands occupied in 1967, but in return for a long-term truce and not recognition.”<sup>285</sup> This is therefore often interpreted by Israeli and Western commentators as a proof of a “cynical attempt by Islamist leaders to deflect military and political pressure or, worse, as a deliberate deception to pursue conflict against Israel by other means.”<sup>286</sup> Israelis, in particular, feel that Hamas will never give up its objective as presented in the 1988 Hamas Charter – the destruction of the state of Israel.

According to Israel and the West, the fact that Hamas has never officially recognized the Jewish state, therefore, remains the major obstacle towards a resolution of the current stalemate. Some commentators have pointed at the Palestinian constituency in explaining this stance. As long as the occupation continues, with its restriction of movement, its policy of detentions and arrests, assassinations and house demolitions, “few Palestinian leaders are able to speak the language of reconciliation with Israel.”<sup>287</sup> But as a political player with increased power in the occupied Palestinian territories, and in tandem with an understanding of its commitment to the Palestinian people, “Hamas needs to keep its rhetoric high and loud, refraining from any blunt offer of recognition of Israel, in order to compensate for the slow, daily ‘undoing’ of its military struggle. If Hamas gives in on both rhetorical and practical fronts, it will lose out in the eyes of its supporters.”<sup>288</sup>

## Conclusion

By examining Hamas’ relations with Israel through its different approaches of practical behaviour - the violent, the peaceful and the political – I have argued that Hamas is a pragmatic movement willing to and capable of change, and not only a movement basing its thoughts and actions on religious fundamentalist ideology and doctrine. Its use of violence,

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<sup>284</sup> Reuters, “Reuters Q & A interview with Khaled Meshal”, in *Haaretz.com*, at <http://www.haaretz.com/-hasen/spages/812079.html>.

<sup>285</sup> Reuters, “Palestinian PM says U.S. aims to topple his govt,” at <http://alertnet.org/thenews/newsdesk/-L21669738.htm>.

<sup>286</sup> Alastair Croke, “From Rebel Movement to Political Party: The Case of the Islamic Resistance Movement”, *Conflicts Forum*, Briefing paper #3, p. 7.

<sup>287</sup> Mishal, “The Pragmatic Dimension of the Palestinian Hamas”, p. 579.

<sup>288</sup> Khaled Hroub, “Hamas path to reinvention”, *Open Democracy*, 2006, at [http://www.opendemocracy.net/-conflict-middle-east-politics/hamas\\_3982.jsp](http://www.opendemocracy.net/-conflict-middle-east-politics/hamas_3982.jsp). See also Jerrold M. Post, Ehud Sprinzak, and Laurita M. Denny, “The terrorists in their own words: Interviews with 35 incarcerated Middle Eastern terrorists”, *Terrorism and Political Violence*, Vol. 15, No. 1 (2003), pp. 171 — 184, especially p. 178 summing up Palestinian ‘hatred towards Israelis’.

for instance, exemplified to its most extreme by the suicide bombings, is thus more a tactical mean and not a strategy in it self, which was also stated by Hamas leader Mahmoud al-Zahar:

We must calculate the benefit and cost of continued armed operations. If we can fulfil our goals without violence, we will do so....We will never recognize Israel but it might be possible that a truce (*muhadana*) [hudna] would prevail between us for days, months or years.<sup>289</sup>

This is an important observation as tactics more easily implies pragmatism and change, and not rigid interpretation guided only by religious doctrine.<sup>290</sup>

Also in terms of Hamas' more peaceful and political 'tactics' this holds true. In fact, what the hudna offer actually signifies, part from its duration factor, is a two-state solution, not far from the solutions proposed in the Oslo Accords and the U.S. led Road Map. Even the time frame is arguably indefinite "as the possibility for continual renewal and/or decisive action by future generations are explicitly provided as available options."<sup>291</sup> By announcing a willingness to accept a temporary solution based on the 1967 borders, even if only as a first step in the liberation of British Mandatory Palestine, Hamas demonstrates a pragmatism and flexibility not common among fundamentalists. By employing the concept of hudna, a concept stemming from early Islamic history, Hamas has therefore moved from a rigid position based on ideology. Also Hamas' preparedness to participate in tactical ceasefires, such as the latest tahdi'ya between Israel and Hamas agreed upon on 18 June 2008 and the unilateral ceasefire of 18 January 2009, as well as its willingness to let the PA president negotiate with Israel on behalf of the Palestinian people and its government, also bears witness of a movement highly influenced by its contextual surroundings and of a willingness to change.

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<sup>289</sup> Mishal, "The Pragmatic Dimension of the Palestinian Hamas", p. 577.

<sup>290</sup> Cf. A. Strindberg, "Challenging the "Received View": De-demonizing Hamas", *Studies in Conflict & Terrorism*, Vol. 25 (2002), p. 268.

<sup>291</sup> Flournoy Swiney, *Ideological & Behavioral Metamorphoses*, p. 62.

## **Conclusion: Pragmatism over Fundamentalism**

I have argued here that Hamas' two most commonly known characteristics – that of an Islamist organization wanting to establish a Shari'a state on the graveyard of the Jewish state of Israel – are not so clear cut as often perceived. Instead, and notwithstanding recognition of Hamas' violent and terrorist activities, my main argument insists that Hamas today is a pragmatic movement. As such, Hamas is both willing and capable of reform of its original goals as stated in the 1988 Hamas Charter, and its thoughts and actions are more guided by an understanding of the socio-political contextual society in which it lives than by religious discourse guided by ideological doctrine.

Hamas' foundation was a breakaway from the ideological reasoning of its mother organization, the Muslim Brotherhood, who preached Islamization and socialization of the Palestinian people and of the Arab world in general. This 'bottom-up' approach would in the end lead to Palestinian salvation. However, socio-political realities – such as the formation of Fatah and the PLO, the Six Day War and the subsequent Israeli occupation, the formation of Islamic Jihad, and not least the outbreak of the Intifada – resulted in an alteration of the ideological approach of the Palestinian Muslim Brotherhood. On the other hand, and although overlapping each other, with 'alteration' I mean change more in terms of transformation than in terms of a new strategy. Notwithstanding the formation of Hamas and its armed resistance approach against Israel, Hamas nevertheless continued in tandem with its socialization approach. Had it not continued this work of religious education, social networks and charity, it is highly unlikely that Hamas would have managed to establish such a formidable political power base in the occupied Palestinian territories, and that it would have succeeded in winning the 2006 parliamentary elections. That Hamas is a pragmatic movement should therefore not come as a surprise. It was after all born out of pragmatism, merging thoughts from both the gradualist and the radical factions in the Muslim Brotherhood movement.

Hamas' pragmatism and willingness to change from its original goals as stated in the 1988 Hamas Charter becomes clear when examining what constitutes statehood for this Islamist organization. First, by discussing its political philosophy on future Palestinian statehood, I have argued that Hamas' thoughts does not reveal such fundamentalist and radical views as often perceived in the Western discourse, but rather a political thinking which in several ways reflect Western notions of democracy. It is a state with divisions of power, and with the judicial branch independent from the executive and legislative branches. And

although the principal source of legislation is Islamic Law, Hamas nevertheless acknowledges that the Shari'a is mostly a set of general principles and that other legal systems need to supplement it. And even where the Shari'a is quite specific, as with the penal laws, the legislative council would still have the final say in a ruling.

In Hamas' notions of decision making, however, we encounter what seems to be a contradiction with democracy. How can one justify free will in society and at the same time advocate the need for an Islamic educational approach to 'teach' the public into voluntarily wanting a specific type of state? As we have seen, for Hamas there was no contradiction, justified in the Islamist movement's thoughts on a dual contract – one divine, the other social. As man is God's creation, abiding by his will means acting in accordance with one's true self. From a Western democratic perspective, this does not abide well, even though the ruler needs consent by the ruled. On the other hand, the social contract holds the divine contract in check, and as such, Hamas' notions on political system differs from that of, say, the Taliban or Saudi Arabia.

This becomes even clearer when considering Hamas' emphasis on consensus and the people. Whereas the classic Islamic view is that legislative power should rest with religious-political experts, a thought held among others by al-Qa'ida, Hamas insists rather that this is the responsibility of an elected council. The emphasis on consensus is also vital in Hamas' views on law, legislature and authority. In terms of authority, Hamas again differs with the traditional Islamic view which holds that legislators should be religious scholars. One could therefore say that, in practice in Hamas' political system, man has veto over God's law.

Second, by examining new important Hamas documents and the movement's relations with Israel and the peace process, I find that Hamas is first and foremost engaged with the Israeli occupation following the Six Day War in 1967. The absence, downplaying and development of both militant and religious discourse in recent Hamas documents and statements inform us more of Hamas' *right* to resist the 1967 *occupation* and not of an immediate wish to destroy the Jewish state of 1948. Acknowledging a both legal and moral discussion on Hamas' use of violence against Israeli civilians, that Palestinians should resist the Israeli occupation, an occupation that has now lasted for more than four decades, is in my opinion not behaviour of radicalism. Instead it reflects international humanitarian law and UN resolutions. And again, even if Hamas' wish for an 'interim' solution is just that – i.e. a temporary solution accepted now due to an understanding of present-day realities and as such just a pause before the 'historical' solution should be achieved – such reasoning is nevertheless informed by pragmatism, and not fundamentalism.

In this regard, one should also not forget that Israel's accepted Palestinian partners for peace, President Abbas and the Fatah dominated PLO, originally also called for the destruction of the Jewish state. As Hamas' Charter of 1988, also the 1968 edition of the PLO Charter read: "Armed struggle is the only way to liberate Palestine."<sup>292</sup> And, as with Hamas' electoral programme before the 2006 PLC elections, PLO's position developed in the 1970s into a "struggle by every means"<sup>293</sup> although not abandoned entirely until the late 1980s and not officially repelled from the Palestinian National Charter until 1998, way into the Oslo peace process and five years *after* Israel recognized the PLO. To state that Hamas would not be able to do the same, argued simply based on a neo-Orientalist understanding of the Islamist organization as a fundamentalist and radical entity basing itself on religious doctrine incapable of change is, in my opinion, a simplistic, unfortunate and wrong argument.

For the neo-Orientalists, pragmatism and Islamism, or rather 'radical' or 'militant' Islam, does not fit well together. They would probably also describe my argumentation as 'Islamist apologetic'. If so, I both apologize and disagree. It has not been my intention here, in any way, to 'apologize' Hamas' actions. Instead, I have tried to explain these acts, and to explain is, of course, not the same as to apologize. And if I, in this explanatory quest, have come to the conclusion that these acts of violent and deliberate terror tactics, are also informed by pragmatism, that is not the same as to 'apologize' for them. This holds true even if Hamas' statements that it only targeted Israeli civilians after an Israeli settler butchered 29 Muslims in Hebron in 1994, or that many of its suicide operations came as a result of retribution of Israeli acts, is in fact cynical ploys used to achieve its goals. That might be, and, at least in terms of undermining the peace process, probably also was. However, such 'cynical ploys' depict pragmatism, and not fundamentalism grounded on religious ideology and doctrine as a neo-Orientalist is more likely to argue.

Hamas' jihad tool is thus used not only based on religious ideology and doctrine, but rather as a consequence of Hamas' understanding of different socio-political realities. Here, Hamas' relations to both the Palestinian secularist nationalists and the Palestinian constituency are important factors. So is an understanding of Hamas' use of violence as retaliation against Israeli aggression and as a consequence of the peace process in itself, a process deemed unjust and unfair. Also Hamas' proposals of a hudna and its commitment to tahdi'ya signify that Hamas is not only led by ideological beliefs.

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<sup>292</sup> Jensen, *The Political Ideology of Hamas*, p. 148.

<sup>293</sup> Ibid.

Hamas has, since its early days of existence, proposed a truce with Israel on the condition that Israel withdraws to the Green Line. Over the years Hamas has also, both unilaterally or in agreement with Israel and others, announced and stuck to ceasefires. The Hamas hudna offers and the agreement and implementation of several tahdi'ya thus inform us of pragmatism and an understanding of its contextual surroundings. This is exemplified maybe even more so when examining Hamas after its participation in the political process and, especially so following its victory in the 2006 elections. By officially working with Israel in mundane affairs, by allowing President Abbas to negotiate with Israel and by repeated promises to respect former Israeli-Palestinian agreements, Hamas is clearly indicating a change to its rhetoric of the 1988 Charter.

Lastly, the outcome of the above portrays an Islamist organization not bound by religious doctrine and ideology but instead reveals an Islamist organization and political player advocating Shari'a statehood with a democratic twist and a willingness to compromise its beliefs into a possible recognition of the state of Israel: "[T]he provisions in its charter [calling] for the destruction of Israel are not indelible."<sup>294</sup> Israel has so far refused to accept such reasoning on the grounds that Hamas is not sincere and that the Islamist organization's statements on truce and possible recognition are cynical and tactical ploys that will be abandoned at Hamas' own time of choosing. This is unfortunate. A truce between enemies will always be a risk. That one of the sides in the conflict is a religious (Islamist) organization is not a sufficient argument against reconciliation. Especially not, and which is the case here, when the movement in question signifies pragmatic *realpolitik* dressed in secular rather than religious discourse.

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<sup>294</sup> Abu Marzouq, in Flournoy Swiney, *Ideological & Behavioral Metamorphoses*, p. 88.



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